



Appeal Decision

Site visit made on 5 February 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2025

Appeal Ref: APP/M2270/W/24/3352373

Benenden Telephone Exchange, New Pond Road, Benenden TN17 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CTIL against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/00374/TN0T56.
 - The development proposed is the installation of a 20m Monopole mast accommodating 6 no. antenna, ancillary radio equipment, 2 no 300mm dishes, and 2 no. equipment cabinets and 1 no GPS Module in fenced compound along with ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As this is an application for prior approval the provisions of the 2015 General Permitted Development Order (the GPDO) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. This appeal will be determined on the same basis, and I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

3. The main issue is i) the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the High Weald National Landscape, and the setting of the Benenden Conservation Area and nearby listed buildings and, ii) if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

Siting and appearance

4. The appeal site (the site) is a portion of the open land around a detached telephone exchange building (the exchange), on New Pond Road at the edge of the village of Benenden. The land around, and leading to, the site includes a series of traditional buildings, open fields, and woodland copses. The height of buildings and other structures in the village is modest; houses are generally two-storey, and where third storeys exist it is usually within a pitched roof. Timber telegraph poles

are dotted around the village but are reasonably discreet, with those on New Pond Road being shorter than most local houses. Gaps between buildings are often substantial, allowing views of countryside beyond. These features combine to create a distinctly historic, rural feel in the area.

5. Local characteristics are reflected in pertinent planning designations; The site is within the High Weald National Landscape (NL), the management plan for which cites the quintessential English pastoral landscape, intimacy of scale, sense of history and timelessness, and rurality and tranquillity as forming its aesthetic and perceptual qualities. New Pond Road is a Rural Lane, indicating it belongs to a network of historic lanes, is a distinctive part of local landscape character, and makes a positive contribution to the visual amenity, recreational and ecological quality of the rural landscape.
6. Much of the village centre is within the Benenden Conservation Area (the CA) the boundaries of which enclose the exchange on two sides. The significance of the CA is largely drawn from its loose arrangement of vernacular historic buildings built in natural materials, its high-quality landscaped areas, and its visual connection with the surrounding landscape. The site is on the main crossroads into and from the village, and the part of New Pond Road outside the site is within the CA. The section of New Pond Road aside the CA is lined by parkland to the west and woodland shaws to the east, which, as articulated in the CAA, form a strong landscaped corridor into the CA. The section of New Pond Road incorporating the appeal site therefore makes a strong contribution to the significance that the CA draws from its setting.
7. The village contains several listed buildings, the nearest to the site being Old Manor House¹, an associated gateway and boundary wall², and the St. Georges Club³. These are a Wealden hall-house, parts of which date to C15, and what was originally a Working Man's Institute built in 1881. Each is Grade II listed. These buildings are sufficiently close to the site as to effectively neighbour it. The proposed development would be within the setting of each, therefore. As these are historic, landmark buildings within the village, they draw a degree of significance from the village's well preserved rural setting.
8. The proposal includes the erection of a 20m high monopole mast, with six antennas located around its upper parts, and two 0.3m diameter dishes affixed below the antennas. Two cabinets would be sited on the ground by the mast.
9. Certain views over the site of the sky beyond are restricted in summer months by nearby trees, some of which are subject to Tree Preservation Orders and may reasonably be expected to remain a feature of the landscape for the foreseeable future, therefore. Nevertheless, tree coverage overall is intermittent and mainly comprised of deciduous species. Even when nearby trees are in leaf, the mast would be clearly visible from a wide range of surrounding roads and properties, with the degree of visibility increasing further still in winter.
10. The mast would be significantly taller than any nearby building or structure, and comprise a distinctly stark, utilitarian, and modern element in the historic, rural surroundings. Though the development may be painted Fir Green or Light Grey,

¹ 1085232

² 1336713

³ 1336770

this would not be effective in mitigating the harm described above, as the mast would be no less prominent against the backdrop of the sky. Given the above, and even when viewed alongside existing telegraph poles, it would be strikingly incongruous, and harmfully at odds with the character of the area and harmful to the aesthetic and perceptual qualities of the NL. For the same reasons, it would cause less than substantial harm to the setting of the CA and the nearby listed buildings.

11. The proposal would therefore be contrary to Policies EN1, EN5, and EN20 of the Tunbridge Wells Borough Local Plan 2006, and Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010. These policies require, amongst other things, that development preserve the character and appearance of the area, including the NL, rural landscapes and heritage assets therein.

Alternative sites and the balance of considerations

12. I have found the mast would cause less than substantial harm to the significance of designated heritage assets. The Framework requires each instance of harm to be weighed against the public benefits of the proposal.
13. There is no dispute that the proposed development would provide improved mobile and smart metering coverage to Benenden. The Framework is clear that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Whilst the proposal would provide coverage to a small geographical area, that would be part of a wider whole and the network would be undermined by gaps in coverage. The proposal would therefore provide important public benefits.
14. Nevertheless, the Framework also states that applications of this type should be supported by evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure. The appellant has provided a list of alternative sites and the reasons they were discounted. Of these, a site at the Roman Catholic Church of Benenden (the church) is cited by the Council as potentially preferable to the appeal site, given relative levels of tree screening and distances from heritage assets.
15. The appellant's supplier submitted a pre-application engagement letter in which they discounted the church due to likely difficulties obtaining the landowner's consent, and concerns a mast, likely to be taller than 20m, would overpower the church itself. I have no evidence that the Council supported this assessment of the planning merits at the time. Whilst a mast may maintain a poor relationship with the church, this is logically preferable to the layers of harm that would arise from the proposal to a nationally designated landscape and four designated heritage assets.
16. Moreover, whilst described as 'problematic', I have no clear evidence that the church has firmly rejected approaches to host a mast, or that one placed there would not provide adequate coverage. Appeals are pursued for a variety of reasons, so the lodging of this appeal is not in and of itself a compelling indication that the church site is completely off the table as far as the landowner is concerned.
17. On the evidence before me therefore, I find that a sequential approach to site selection has been followed, but not with sufficient rigour to enable me to ascertain

that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.

18. The Framework requires great weight be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues, and that great weight should be given to heritage assets' conservation. Overall, the public benefits of the proposed development are outweighed by the harms identified.

Conclusion

19. As such, for the reasons given above, I conclude that the appeal should be dismissed.

A Knight

INSPECTOR