



Appeal Decision

Site visit made on 3 June 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal Ref: APP/C5690/W/25/3361291

Network Rail Land, behind Thriffwood, Upper Sydenham, London SE23 2NU

- 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 Cellnex Connectivity Solutions Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref is DC/24/138010.
 - The development proposed is for the installation of a distributed antenna system base station consisting of an 8.1m high monopole mast with attached antennas and an equipment cabinet installed on steel grillage.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a distributed antenna system base station consisting of an 8.1m high monopole mast with attached antennas and an equipment cabinet installed on steel grillage on Network Rail Land, behind Thriffwood, Upper Sydenham, London SE23 2NU in accordance with the terms of the application, Ref DC/24/138010 and the plans submitted with it including Drawing Numbers DAS_28_01 and 171017-ADC-GAD-ETL-001308 Rev A01.

Applications for costs

2. An application for costs was made by Cellnex Connectivity Solutions Ltd against the decision of the Council of the London Borough of Lewisham. This application is the subject of a separate Decision.

Background and Main Issue

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A permits development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, including (a) the installation, alteration or replacement of any electronic communications apparatus, or (c) development ancillary to radio equipment housing. This is subject to various limitations and conditions set out in paragraphs A.1 - A.6 of that Class.

4. Paragraph A.1(7) states that development consisting of the installation, alteration or replacement of any electronic communications apparatus other than apparatus specified including (a) a mast; (b) an antenna; or (e) radio equipment housing, is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres. The Council contend that the base area would exceed this area limitation, as the flat plates would be either welded or bolted together to form the proposed base area.
5. The main issue is whether the proposal would be permitted development under Schedule 2, Part 16, Class A of the GPDO with particular regard to the base area limitation set out in Paragraph A.1(7).

Reasons

6. The proposed base station comprises an 8.1-metre-high monopole with antennas and an equipment cabinet to be installed on a steel grillage platform with handrail (the platform). The appellant has confirmed that the equipment cabinet would incorporate radio equipment housing.
7. There is no dispute between the main parties that the overall area of the proposed platform would be 2.6 square metres when considering all components shown in the submitted plan view. However, the appellant contends that the area of the platform should not be included within the calculation of the ground or base area of the proposed mast and radio equipment housing, on the basis that this would be permitted by Class A(c) which refers to development ancillary to radio equipment housing. Paragraph A.1(7) is clear that restrictions to the ground or base area, does not apply to such development ancillary to radio equipment housing.
8. The definition of development ancillary to radio equipment housing set out in Paragraph A.4 includes handrails, steps and ramps. The proposed platform is required in order to provide a safe means of maintenance access to the proposed base station, in order to reduce the risk of maintenance workers slipping or falling in close proximity to the railway line. On this basis, I am satisfied that the parts of the platform which do not contain the ground or base area of the proposed mast or radio equipment housing, would comprise development ancillary to the proposed radio equipment housing. They would be permitted by Class A(c) and should not fall to be considered as part of the base area for consideration under A.1(7).
9. The Council's view is that the proposed development should be considered as a single entity and this is not without merit. However, in my judgement and on the basis of the evidence before me, it would not be appropriate to consider the entirety of the proposed steel grillage platform to comprise the ground or base area of the proposed mast or radio equipment housing. On this basis, my decision falls in favour of the appellant having regard to the specific circumstances of the appeal proposal.

On this basis, I conclude that the proposed development would be permitted development under Schedule 2, Part 16, Class A of the GPDO with particular regard to the base area limitation set out in Paragraph A.1(7).

Other Matters

10. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) also requires the local planning authority to assess the proposed

development on the basis of its siting and appearance, taking into account any representations received.

11. The rear elevations of dwellings along Thriffwood face towards the appeal site and the outlook for these occupiers extends towards their respective rear garden boundaries which rise upwards in gradient. Views of the railway line are limited by virtue of its lower land level beyond a belt of woodland. Interested parties have raised concerns regarding the effect of the proposed development on their living conditions, with particular regard to outlook. Details of levels have not been provided, although the evidence indicates that the installation would be sited on the slope of the embankment. Views of the appeal proposal may be achievable, particular in winter months when trees lose their leaves or if vegetation were to be trimmed back. However, the slimline nature of the appeal proposal combined with the separation distance to the rear garden boundaries would ensure that no material adverse overbearing or overshadowing impact would result.
12. For the same reasons and owing to the siting of the proposed installation trackside and close to associated operational railway infrastructure, it is not considered that the siting and appearance of the proposed development would adversely affect the character and appearance of the area, including any views from Dacres Wood nature reserve. Furthermore, the Council's delegated report confirms that it considers the proposed development to be acceptable in terms of its siting and appearance. I find no reason to disagree with this view.
13. There is no dispute between the main parties that the appeal proposal is necessary to provide 4G mobile phone and wireless broadband connectivity to a stretch of the Brighton Main Line. Interested parties have suggested the potential for alternative sites. However, as the siting and appearance of the proposed installation is acceptable, it is not necessary for me to consider the availability of alternative sites.
14. Concerns relating to noise pollution, the stability of the railway line and access during construction have been raised by interested parties. However, these are not matters for consideration in the determination of this appeal. Network Rail have also advised that the proposed development would comply with its safeguarding criteria for development on or close to railway infrastructure.
15. Representations have been received regarding the health risks of the appeal proposal. Paragraph 123 of the National Planning Policy Framework makes clear that health safeguards different from the International Commission guidelines should not be set. Evidence of an ICNIRP certificate has been provided in support of this application, and therefore public exposure is within those guidelines and is not therefore a matter to be questioned as part of this appeal.

Conditions

16. Any permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2). These specify that the development must be carried out in accordance with the submitted details, must begin not later than the expiration of 5 years, and must be removed as soon as reasonably practicable once it is no longer required for these purposes and the land restored to its previous condition.
17. The GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic

communications code operators contained within it. As such, I have not imposed any further conditions.

Conclusion

18. For the reasons given above the appeal is allowed and prior approval is granted.

H Marriott

INSPECTOR