



Appeal Decision

Site visit made on 4 June 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/N5090/W/25/3359902

Car Park, New Barnet Leisure Centre, Barnet, London EN4 9BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Arqiva Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 24/4432/PNT.
 - The development proposed is the installation of a 19.6m high monopole within which will support 1no. Cardioid IN Cylinder at 21.025m and 1no. Log Period Antenna at 19m along with ancillary equipment thereto including 1no. Arqiva Cabin and 1No. Meter Cabinet within a 2.1m high palisade fence compound.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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. My determination of this appeal has been made on the same basis.

Planning Policy

3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have however, 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.
4. The Council has advised that it recently adopted the Barnet Local Plan 2021-2036 (BLP). As a result, the BLP now forms part of the development plan and has replaced Barnet's Local Plan (Core Strategy) Development Plan Document (CS) and Barnet's Local Plan (Development Management Policies) Development Plan Document (DMP), which are cited in the reasons for refusal. The main parties have had the opportunity to comment on the relevant policies of the BLP during the appeal process, and the appeal has been determined on this basis.

Main Issue

5. Having regard to the above, and the Council's reasons for refusal, the main issue with this appeal is the effect of the siting and appearance of the proposed development on the character and appearance of the area. and, 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

6. The appeal site relates to a grassed area that is located centrally within an existing large car park, serving the New Barnet leisure Centre, a tall and wide building positioned beyond one side of the car park, and the adjoining Victoria Recreation Ground. The recreation ground is an expansive and largely grassed area that provides a range of recreational uses and play equipment. The car park is accessed from Lawton Road and sits behind an established boundary hedge.
7. I saw on my site inspection that there were already several tall vertical structures near to and adjoining the appeal site, including CCTV and lighting columns. Whilst these aspects already create some vertical emphasis in this area along with other street lighting columns nearby, most of the columns shown on the plans are no higher than 6 metres, substantially lower than the 21-metre-high monopole that is proposed, which would appear bold and incongruous against them. There are also trees along the inside of the hedge on this side of Lawton Road, and around most sides of the Victoria Recreation Ground, although their natural appearance would contrast against the utilitarian and functional appearance of the tall monopole.
8. Whilst the appellant has said that the Transco gas holder structure nearby is also very tall and wide, it is some distance from the site of the proposed monopole and most views of the proposal, particularly from close-up, would not be in the context of that structure. Furthermore, it has also been mentioned that the gas holder structure is to be removed, and that site is to be redeveloped in the future, so assessing the effect on the proposed monopole in its context should not be a determinative issue in any case.
9. Its central location within the car park, would also make it particularly conspicuous, introducing a wholly discordant and dominant structure onto an otherwise mainly open and grassed area and harmfully contrasting with its current appearance and somewhat muted existing structures. Furthermore, the presence of vehicles parked in the adjoining car park would do little to offset this harm. From nearby Armstrong Crescent and the grassed open space in front of the properties on that road, the proposed monopole above the hedge and planting, would appear as a jarring and alien feature.
10. The Council has said that the appeal site was part of an area to be planted in relation to an earlier planning permission,¹ although it has said that a further amendment application (which is said to yet be determined) sought to alter that planting in this area. Whilst the appellant has said that trees up to 20 metres in height would not interfere with its proposed installation, as it stands there could be some future conflict with the approved landscaping of the existing car park.

¹ Ref. 16/6118/FUL

11. The appearance of the proposed cabinets that would be sited very near to the proposed monopole would have less effect due to their limited scale. Nevertheless, given their heights and that of the proposed fence, they would likely be seen above most cars parked in the nearby parking spaces, and they too would occupy a focal and central position on the entrance to the New Barnet Leisure Centre and Victoria Recreation Grounds and their siting and appearance would add to the identified harm above to the character and appearance of the area.
12. To conclude, the siting and appearance of the proposed development would be harmful to the character and appearance of the area. Insofar as they are material planning considerations, the proposed development would also conflict with the relevant parts of BLP Policies CDH01 and TRC04 which amongst other things, require new development to be of high architectural and urban design quality and respond to the distinctive character of an area, and avoid significant adverse effects on the spaces in which they are sited. In addition, the proposal would also not accord with paragraph 120 of the Framework, insofar as it requires telecommunication equipment to be sympathetically designed.

Alternative locations

13. As I have found that the proposals would cause harm to the character and appearance of the area, Paragraph 122 of the Framework requires that evidence of alternative sites be provided to justify the proposed development. It requires evidence as to why it is not possible to erect antennas on an existing building, masts or other structures before considering a new free-standing mast. The coverage map for the television signal, which it is said provides Freeview television for up to 4,754 households, relates to a large area.
14. It is also pertinent to say that the previous prior approval applications in the vicinity of the New Barnet Leisure Centre that have been refused, are not sufficient to fully demonstrate that there are no other available sites that can accommodate the proposed development within the coverage area.
15. The appellant's submission demonstrated that they have considered several sites, many of which were outside the coverage area. Within its appeal statement, the appellant has focussed on 4 no. alternative sites that they have discounted; a new mast at Transco Compound (gas holder site); the roof top at Endeavour House; the roof top at Basil Court; and a new mast at the north side of Victoria Recreation Ground. In addition to this, the appellant has said that other sites at the Victoria Recreation Ground have been discounted for reasons relating to the proximity of housing, a nearby school, for being outside of the technical viability area, and because there would be a requirement for aerials of individual homes to be altered to receive the new signal. Although there are no precise details of these individual sites to properly consider them alongside the reasons suggested by the appellant as to why they are not suitable, nor is it certain that the re-positioning of individual aerials would be a compelling reason to discount a suitable alternative site.
16. The other site on the north side of the Victoria Recreation Ground that is referred to was discounted due to the presence of houses, although there is no explanation as to why any nearby housing would make its siting and appearance unacceptable, as such there is some doubt as to why that site would not be preferable, particularly if its location would mean a new monopole would be less conspicuous than the appeal site. Whilst it is said that the Transco Compound (gas

holder site) is to have a new owner, it is unclear what, if any discussions, have been had with the new owners and whether they have been successful, and notwithstanding its location on the edge of the search area, whether its retention or re-positioning has been considered as part of any re-development.

17. It is said that the attempted negotiations with the owners of Basil Court and Endeavour House lacked engagement from the landlords of these properties and it is said no responses were received following initial consultations, although both sites are said to be less visually intrusive than the appeal site. The appellant said they started action to access Basil Court to seek to use it for the proposed installation the subject of this appeal. However, after the appellant obtained agreement from the Council to use a site at New Barnet Leisure Centre it ceased its action. As a result, it is unclear whether such action would have been successful, nor are the reasons clear as to why those landlords did not properly engage with the appellant, particularly noting that Basil Court is already said to have electronic infrastructure on its roof. Without knowing the precise reasons why there was no effective engagement or whether the legal action was likely to be successful, it is difficult to conclude that these sites could not be viable alternatives, notwithstanding whether either site would require individual aerials to be realigned.
18. Overall, based on the evidence before me, I am unconvinced that a thorough review of possible alternative site options within the search area has been undertaken. Consequently, the arguments in favour of the appeal site, do not outweigh the identified harm from its siting and appearance. Although not determinative, I also find that the proposal in this respect would be contrary to BLP Policy TRC04 and paragraphs 120 and 122 of the Framework, that amongst other things seek to avoid the installation of new masts when there has been insufficient evidence to demonstrate why existing sites, masts, and buildings cannot be used in preference, including the possibility of sharing facilities.

Other Matters

19. Reference has been made in support of the proposed development to various environmental, social and economic benefits that would arise, but these have not been taken into account in considering the matters of siting and appearance.
20. It is noted that the appeal site is not in an area that has a high risk of flooding, or part of a designated landscape or ecological area; or likely to affect designated or non-designated heritage assets. However, these points are neutral factors that neither weigh in favour nor against the proposal.
21. I have also had regard to the objections from residents and interested parties, and I have carefully considered them insofar as they are relevant to the main issues on this prior approval application.
22. An interested party has raised the Human Rights Act 1998 (HRA) which at Article 8, requires that decisions ensure respect for private and family life, and the home. The particular concerns relate to how the proposed development could affect nearby residents, some of which are said to be vulnerable and that they could be disproportionately impacted by the proposed development. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified in the public interest. The concept of proportionality is key.

23. I recognise the paramount importance of the neighbouring occupiers right to have their home, and private and family life respected and this is a primary consideration. Any adverse effects experienced from the proposal, could interfere with the nearby occupiers' rights in respect of their home, and private and family life. Any such impacts would weigh against the proposal in these respects.
24. The proposed development's siting and appearance would be some considerable distance from nearby homes, said to be at least 50 metres away. The proposal is also accompanied by a certificate confirming its compliance with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). I also note that the Council did not identify any unacceptable effects from the proposed development upon the living conditions of nearby occupiers. As such, it is not considered that its siting and appearance would be harmful to the living conditions of nearby occupiers.
25. Whilst I take the comments raised seriously, the limited specific information, together with my above assessment has not identified that the siting or appearance of the proposal would be harmful to the living conditions of nearby occupiers. Having regard to the legitimate and well-established planning policy aims in respect of providing good quality digital connectivity to support economic development and social and community well-being, a dismissal of the prior approval for such a reason, beyond the harm already identified would not be proportionate and necessary on the information available to me to safeguard nearby occupier's rights under the HRA.
26. The concerns from residents about how the Council has advertised the application are noted. However, there has been no substantive evidence provided that the Council has not appropriately advertised the prior approval application in accordance with its requirements.

Conclusion

27. For the reasons given above, I conclude that the appeal should be dismissed.

A Hunter

INSPECTOR