



Appeal Decision

Site visit made on 16 June 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2025

Appeal Ref: APP/Q3820/W/24/3355377

Hazelwick School, Hazelwick School Close, Three Bridges, Crawley, West Sussex RH10 1SX

- 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 Limited (CCSL) against the decision of Crawley Borough Council.
 - The application Ref is CR/2024/0433/TEL.
 - The development proposed is the installation of a 25 metre high lattice tower mounted with 9 No. antenna apertures, 3 No. GPS nodes, 12 No. cabinets, 1 No. electrical meter cabinet, located within a compound comprised of 3 metre high palisade fencing and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 October 2024, the Council adopted the Crawley Borough Local Plan (LP), which supersedes the Crawley Borough Local Plan 2015 and now forms part of the statutory development plan. Policies CH2, CH3 and CH7, as referred to on the decision notice, are therefore no longer relevant.
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, 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.
4. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the Order do not require regard to be had to the development plan. Nevertheless, I have had regard to the policies of the LP and the National Planning Policy Framework (the Framework) only insofar as they are material considerations relevant to matters of siting and appearance.
5. As part of the appeal the appellant has submitted amended plans showing that two trees that were previously identified to be removed would be retained. I have given due consideration to guidance in the 'Procedural Guide: Planning Appeals -

England’ 2025¹, and the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the ‘Wheatcroft Principles’ referred to in the guidance, and addressed the matter of amended plans being submitted with and appeal, along with other case law, in deciding whether to accept the revised plans.

6. I consider the proposal before me (should the amended drawings be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such I am satisfied that the revisions do not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the amended plans.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposal 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

8. The appeal site is part of the extensive grounds of Hazelwick School. The main part of the site is within an area of woodland that runs parallel to the railway line from St Mary’s Drive to Crawley Avenue (the A2011). An existing compound bounded by metal palisade fences is set forward of the main part of the site.
9. The wooded area, which is designated as Structural Landscaping within the LP, visually contains the railway line and its embankment. The trees at the site forming part of the wooded area are protected by a Tree Preservation Order and make a positive contribution to the character and appearance of the area. Substantial lattice pylons carrying electricity cables punctuate the woodland and erode the otherwise positive contribution that the mature trees make to the verdant character of the area.
10. The proposal is for a 25-metre-high lattice tower and an associated compound with ground cabinets. The tower would have 9 antennae spread over two levels resulting in an overall height of 26.3 metres. The top of the tower, including the antennae would be visible above the canopy of the woodland, including from Hazelwick School Close and to either side of the railway bridge. The clutter at the top of the tower, consisting of the exposed antennae, would be prominent above the trees and would appear as an alien feature that would harm the verdant context of the woodland.
11. The tower and compound would be set back from the front boundary fence but would be highly visible from St Mary’s Drive. The amended plans indicate that two trees that were initially stated to be removed would now be retained. Nevertheless, there is no substantive evidence before me that demonstrates that the proposal would not safeguard the structural integrity of these trees either during

¹ Section 16 of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people’s views were sought.

construction or for the lifetime of the development. Consequently, I cannot be certain that the trees could be retained.

12. Even if the trees were to be retained, given the limited tree coverage in the area of the site, the tower would be visible from the front of the site. The tower would be seen within the context of the area, including the lattice electricity pylon, the existing compound and railway line, and would be partly screened by the retained trees forming the wooded area. Moreover, the green colouring of the tower would assist in blending it with the trees. Nevertheless, the tower, including the antennae, would be highly visible and would appear incongruous within the area of woodland. Given the positive contribution that the area of woodland makes, the removal of trees and visual prominence of the proposal would cause significant harm to the character and appearance of the area.
13. The siting and appearance of the proposed development would therefore have a harmful effect on the character and appearance of the area. Insofar as the development plan is a material consideration, the scheme would conflict with Policies CL2, CL6 and DD1 of the LP, which collectively require that proposals respect, protect, build upon and enhance the positive aspects of existing character, significance and distinctiveness of both the site and wider area, respect and plan for the conservation of the landscape character of the town and retain existing individual or groups of trees.
14. The Framework supports the development of a high-quality reliable communication infrastructure as this is deemed to be essential for economic growth and social well-being. Nonetheless, it requires sites to be kept to a minimum and encourages the reuse and adaption of existing base stations. Paragraph 122 of the Framework expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
15. I have no reason to dispute that new installations are required, and that the proposal would assist in providing digital connectivity for users of the London to Brighton railway line. There are constraints associated with the technology and a cell search area may be limited by several factors. Nonetheless, the appellant has identified potential alternative sites for the proposed development.
16. While three of the sites have been reasonably discounted, there is a lack of clear and comprehensive evidence to justify why all of the potential alternative sites are not suitable. The appellant indicates that the site at Bycroft Way is unsuitable as it is likely that a restaurant is to be constructed. However, no substantive evidence has been provided to show that permission has been granted or the details of the location and layout of the restaurant scheme. Consequently, I cannot be certain that the site is wholly unsuitable.
17. Furthermore, it is not sufficiently clear what criteria were used to identify alternative sites within the search area/ This would include whether there might be realistic options that are less visually harmful or do not require the removal of protected trees and therefore would have less of an impact on the character and appearance of the surrounding area than the appeal proposal before me.
18. Therefore, I cannot be satisfied that alternative sites have been comprehensively assessed or that the appeal site represents the least harmful option available in

the area to meet the coverage requirements and so secure the same public benefits.

Conclusion

19. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR