



Appeal Decision

Site visit made on 21 July 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2025

Appeal Ref: APP/Z3635/W/25/3363298

Area of Grass Verge, Douglas Road, Stanwell, Staines TW19 7NB

- 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 Mobile Broadband Network Limited 'MBNL' against the decision of Spelthorne Borough Council.
 - The application Ref is 24/01233/T56.
 - The development proposed is a 20-metre high streetworks pole supporting 9no. radio antennas, 2no. transmission dishes and ancillary equipment. The pole will come complete with a ground-based wraparound cabinet along with 5no. additional cabinets which will be set at the base of the pole and within the grass verge on Douglas Road.
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Decision

1. The appeal is allowed and 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 siting and appearance of a 20-metre high streetworks pole supporting 9no. radio antennas, 2no. transmission dishes and ancillary equipment. The pole will come complete with a ground-based wraparound cabinet along with 5no. additional cabinets which will be set at the base of the pole and within the grass verge on Douglas Road, at land at Area of Grass Verge, Douglas Road, Stanwell, Staines TW19 7NB in accordance with the terms of the application
Ref 24/01233/T56 and the details submitted with it including plan numbers:
1727964_SPN108_39830_TW1768_M001 – 002 Site Location Plan;
1727964_SPN108_39830_TW1768_M001 – 215 Max Configuration Site Plan;
1727964_SPN108_39830_TW1768_M001 – 265 Max Configuration Elevation.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GDPO), 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.
3. I have amended the description of development in the banner heading to remove reference to the replacement of an existing installation since this is not directly related to the installation the subject of this prior approval.

4. The reason for refusal referred to the Stanwell Conservation Area (CA). The Council confirm that the appeal site is no longer part of the CA as the boundaries were amended in January 2025. My decision has been made on this basis.

Planning Policy

5. 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 had regard to the policies of the development plan only in so far as they are a material consideration relevant to matters of siting and appearance. Policy EN1 of the Core Strategy and Policies Development Plan Document adopted 2009 is a material consideration. Amongst other things, the policy expects development proposals to make a positive contribution to the character of the area in which they are situated. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications.
6. I have also been referred to the Council's draft Spelthorne Local Plan 2022-2037. Although it is at an advanced stage of preparation, it has yet to be adopted. No emerging policies were referred to in the reason for refusal. I have not taken it into account in my decision.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm were to 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 located within a substantial grassed verge where Douglas Road meets High Street. There is another substantial grassed verge to the opposite side of Douglas Road at the junction with High Street. Taken together, the two grassed areas contribute to the open and verdant character of the surrounding area. Both verges are largely free from street furniture or other installations with the exception of an existing utilities cabinet on the pavement edge of each verge.
9. The immediate area is residential, comprising largely 2 and 3 storey modern houses and flatted development. The appeal site is adjacent to a 2 storey residential block, which is screened by various deciduous trees, rising to a height of around 10m above ground level. The site is otherwise very open to views from the surrounding area, including long views looking west from the High Street. The revised boundary of the CA is now located some distance to the west of the appeal site.
10. The proposed installation comprises a monopole which would rise 20m above ground level. Attached to it would be various apertures and dishes to serve 2 different network providers. At ground level, there would be a 'wrap around' cabinet to the base of the monopole, with 3 additional cabinets set within the verge.
11. Whilst I acknowledge the 'non functional fins' which would to some degree reduce the utilitarian appearance, the structure would nevertheless rise significantly above the heights of surrounding buildings and trees. Due to its height and the low-rise nature of the surroundings, the monopole would be visible in long views from the

High Street and surrounding area. The trees adjacent to the verge would contribute a little to screening. At ground level, the proposed cabinets would reduce the sense of openness in the street scene.

12. Even though the site is no longer part of the CA, the installation as a whole would nevertheless appear as a dominant feature in the street scene. Consequently, it would be harmful to the character and appearance of the area.
13. The appellant indicates that a Notice to Quit (NTQ) has been served on the existing installation located at Gleneagles Close, Staines. It is not a matter of dispute between the parties that there is an identified need for coverage in the local area to replace the existing mast.
14. I have been referred to details of several alternative sites considered and subsequently discounted. Of these sites, 8 were presented with the prior approval application and a further 7 have been presented with the appeal. I note that the constrained search area is generally very low rise, and that no suitable opportunities to locate the installation on existing buildings have been identified. The sites have been reasonably discounted due to reasons including compromised coverage, lack of appropriate space for the installation, access, and proximity to dwellings. I accept that the appeal proposal would be located further away from surrounding dwellings than the sites discounted at reference D2 and D5 which may be more visually prominent. Whilst I note the Council's comments in this respect, I am satisfied that those sites were reasonably discounted.
15. While the appeal site is in a prominent location and there would be harm caused to the character and appearance of the surrounding area, it has been demonstrated that a comprehensive analysis of potential alternative sites has been considered, with clear reasons given why such alternatives were discounted and/or were less favourable compared to the appeal site. Furthermore, no substantive evidence of other suitable, less prominent sites within the required search area have been provided. Therefore, based on the evidence before me, it has been demonstrated that the proposal would provide the necessary coverage in the required area of search, where no other more suitable sites have been identified.

Other Matters

16. No harm has been identified in relation to highway safety or obstruction to pedestrians or other users of the footway. The proposed installation would be located at a sufficient distance from nearby residential windows so as not to harm the living conditions of existing residents.
17. The appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine.
18. The Grade I listed St Mary the Virgin Church is located some significant distance to the south-west of the appeal site. It dates from the 14th Century with several later additions. Its significance is derived from its function and location to the south of the green and historic core of Stanwell, along with its architectural features. The Grade II star listed Lord Knyvett's Schoolhouse lies around 100m to the north-east of the appeal site. It dates from the 17th Century with later additions. Its significance is

largely derived from its former use and historic association with Lord Knyvett, as well as its detailed design and materials.

19. I have had regard to the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 with respect to the desirability of preserving the settings of St Mary the Virgin Church and Lord Knyvett's Schoolhouse. Although there would be some limited intervisibility between the monopole and each listed building, given the distance and visual separation of the appeal site from these buildings, I consider the proposal would preserve the setting of each of the listed buildings and the contribution their settings make to their significance. For these reasons I am also satisfied that the proposal would preserve the setting of Lord Knyvett's Schoolhouse in terms of its significance as a scheduled monument, in line with the requirements of the Framework.

Conditions

20. 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. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

21. For the reasons given above, the harm caused to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed, taking account of suitable alternatives. Accordingly, I conclude that the appeal should be allowed, and prior approval should be granted.

L Francis

INSPECTOR