



Appeal Decision

Site visit made on 1 October 2025

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/P5870/W/25/3366753

Rosehill Bowling Club Car Park, Angel Hill, Sutton SM1 3EH

- 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) (hereafter the 'DPDO').
 - The appeal is made by Cornerstone against the decision of the Council of the London Borough of Sutton.
 - The application Ref is DM2024/01457.
 - The development proposed was originally described as the installation of 1no. 17.5m monopole supporting 6no. antennas and 2no. 300mm dishes, the installation of 2no. cabinets, and ancillary works thereto.
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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.3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of 1no. 17.5m monopole supporting 6no. antennas, the installation of 2no. cabinets, and ancillary works thereto at Rosehill Bowling Club Car Park, Angel Hill, Sutton SM1 3EH in accordance with the application DM2024/01457 and the details submitted with it including plan nos. 100 Rev A, 200 Rev B, 201 Rev C, 300 Rev B and 301 Rev C.

Preliminary Matters

2. During the Council's determination of the application, the proposal was altered to exclude the two 300mm dishes. I have therefore removed reference to them in my decision above.

Main Issues

3. Schedule 2, Part 16, Class A of the GPDO makes provision for the installation of electronic communications equipment subject to the prior approval process set out in paragraph A.3. This says the developer must apply to the Council for a determination of whether the prior approval of the authority will be required as to the siting and appearance of the development.
4. Consequently, and from the reasons given on the Council's decision notice, the main issues are the effect of the siting and appearance of the proposal on the character and appearance of the area.

Policy

5. By virtue of Part 16 of the GPDO, the proposal is, in principle, permitted development. As such, there is no requirement to have regard to the development plan. Nevertheless, policies 23, 24, 25 and 28 of the Sutton Local Plan (2018) ('SLP') and policies G3 and G4 of the London Plan (2021) are all material considerations insofar as they relate to issues of siting and appearance. In particular, policy 28 seeks to ensure that all development should respond to local character, and policy 23, which specifically refers to telecommunications development, says that such development be sited and designed so that it does not affect the appearance of an area.

Reasons

6. The mast would be sited on a grass verge within the car park of Rosehill Bowling Club. It would be separated from the pavement on Angel Hill by a hedge of around two metres in height and there are also a number of trees along the pavement here, particularly north of the site. On the opposite side of Angel Hill there is a short parade of shops around the junction with Aultone Way, but aside from that the remaining development is residential. On the western side of Angel Hill is a range of sporting facilities including the Bowling Club, tennis courts, a recreation ground and Sutton Sports Village. Further north there is more open land.
7. This open land, including that at the Bowling Club, is designated Metropolitan Open Land (MOL) and Public Open Space (POS). It plays an important role in providing a network of green spaces throughout London. London Plan policy G3 and SLP policy 24 set out that MOL carries the same protection as Green Belt land and so inappropriate development should be resisted in accordance with national policy. However as the proposal is permitted development and the principle has been established it is not necessary to assess whether or not the development is inappropriate. Nonetheless, the effect of the proposal on the open character is pertinent.
8. The appeal site is at the edge of the MOL and POS. It would be substantially taller than the other built development within the MOL and POS such as the Bowling Green building or the buildings at the Sports Village. It would also be taller than the nearby trees. However there is an electricity pylon to the northwest, on the other side of the Sports Village, which is within the MOL and POS and is visible from the appeal site. This does not materially affect the openness of the MOL due to its functional design and limited footprint. For similar reasons I do not consider the proposed mast would impact on the openness of the MOL or POS. It would have a slim design with a small footprint and would occupy a very small section of the verge within the car park.
9. Moreover its siting opposite a commercial area means its commercial nature would not be incongruous. Indeed there is another mast, albeit shorter, outside the shops on the west side of Angel Hill just to the northeast of the appeal site.
10. The mast would undoubtedly be visible from elsewhere within the MOL and POS above the trees at the Bowling Club. However in the context of other tall equipment that is also visible, such as the aforementioned pylon and also some floodlights at the Sports Village, it would not appear incongruous, particularly as it is sited right at the edge of the open space.

11. When seen from Angel Hill, Rose Hill and Aultone Way, it would be seen as a regular urban feature in keeping with the character of these streets. Also, from further north along Rose Hill, where the MOL and POS are on both sides of the road, the mast would most likely be obscured by the trees that flank the highway.
12. The cabinets at the base of the mast would not be visible other than from the car park of the Bowling Club and so would have very limited wider visual effect. In addition, due to the absence of any other equipment or structures on the grassed verge, it would not result in clutter here. The boundary hedge would prevent the cabinets adding clutter to the Angel Hill street scene.
13. Overall it is not considered that the siting and appearance of the proposal would unacceptably harm the character and appearance of the area. It would therefore be supported by SLP policies 23 and 28 as set out above.

Other Matters

14. In relation to the concerns of objectors about the health impacts of the mast, the installation would comply with the guidelines of the International Commission on Non Ionising Radiation Protection. The National Planning Policy Framework confirms that in such circumstances it should not be necessary to consider further the health aspects. So, whilst I understand these anxieties, in particular in respect to people with metal implants or active devices in their bodies or children at nearby schools and nurseries including a planned SEND school, and I have treated these concerns as material considerations, this does not provide a sufficient basis for me to consider that this proposal would be harmful to human health.
15. I note the concerns regarding the impact of the mast on biodiversity. However there is no persuasive evidence before me to suggest it would be unacceptably harmful in this regard. Also the development does not constitute 'EIA development'.
16. Concerns relating to the effect on property values are noted, but as the planning system is primarily concerned with the public interest, these private interests have little bearing on my decision.

Conditions

17. The Council suggest three conditions. However the GPDO does not allow for conditions to be imposed other than those set out in Class A.3 of the Part 16. In any case the first two suggested conditions, which require development to commence within five years, and that the mast is painted green in accordance with the submitted details, would be covered by sections (11) and (9) of paragraph A.3 respectively. The third suggested condition relates to construction hours but, given the limited complexity of the development, any disruption would be for a very limited period. Any statutory nuisance would be covered by other legislation.

Conclusion

18. I consider the proposal would not unacceptably harm the character and appearance of the area. Therefore, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

A Owen

INSPECTOR