



Appeal Decision

Site visit made on 23 July 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/Q3115/W/25/3361684

Makins Recreation Ground, Greys Road, Henley-on-Thames RG9 1TF

- 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 EE Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S4019/T56.
 - The development proposed is the installation of 1No. 20m 'Phase 8' monopole, 6No. antennas, 2No. 0.3m dishes, 1No. GPS Node and 4No. ground-based equipment cabinets (3No. excluding wraparound cabinet) and ancillary development thereto. Additional installation of planting scheme.
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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 1No. 20m 'Phase 8' monopole, 6No. antennas, 2No. 0.3m dishes, 1No. GPS Node and 4No. ground-based equipment cabinets (3No. excluding wraparound cabinet) and ancillary development thereto, and additional installation of planting scheme at Makins Recreation Ground, Greys Road, Henley-on-Thames, RG9 1TF in accordance with the application P24/S4019/T56 and the drawing nos. 002 Site Location Plan, 150 Proposed Site Plan, 250 Proposed Site Elevation A and Tree Protection Plan submitted with it.

Preliminary Matters

2. 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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

4. There is no dispute that the mast and equipment comply with the limits allowed under Schedule 2, Part 16, Class A of the GPDO. As this appeal is against the

refusal of prior approval, the only issues which can be considered are those of siting and appearance.

5. Accordingly, the main issues are (a) the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the designated Local Green Space; and (b) 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

Siting and appearance

6. The proposal is for the erection of a 20-metre telecommunication mast and associated equipment. The mast is proposed to address existing deficiencies in the mobile network provider's coverage and to support the rollout of the Emergency Services Network, a nationally critical infrastructure programme.
7. The appeal site lies on the edge of a public recreational area designated as Local Green Space (LGS) in the Joint Henley and Harpsden Neighbourhood Plan 2020 – 2035 (NP). This designation reflects the area's value to the community for its openness, recreational use and contribution to the local area's character.
8. Policy ENV4 of the NP seeks to prioritise the protection and enhancement of existing green spaces and it states that proposals for development on Local Green Spaces will only be permitted in very special circumstances.
9. The Framework states that policies and decisions for managing development within a LGS should be consistent with national policy for Green Belts set out in Chapter 13 of the Framework. Paragraph 154 of the Framework states that development in the Green Belt (or in this case in an LGS) shall be regarded as inappropriate development. Paragraphs 154 and 155 of the Framework list a number of exceptions to this.
10. The proposed monopole mast in an LGS would fail to accord with any of the exceptions set out in the Framework. However, the GPDO approves planning permission for this type of development and the appeal is limited to siting and appearance. To this extent the principle of erecting a mast in an LGS is not a determinative matter.
11. The proposed 20-metre monopole mast would introduce a conspicuously tall and utilitarian structure into a setting defined by its open, verdant character and absence of vertical built form beyond mature trees. Its stark, engineered appearance and considerable height would conflict with the naturalistic and low-rise qualities of the surrounding environment, resulting in a visually dominant and intrusive element within the local area. This prominence would be most noticeable from public vantage points within the designated LGS, where the mast would disrupt the prevailing sense of openness and tranquillity.
12. Whilst mature trees provide some mitigation in summer months, the limited depth and number of trees means that screening is not robust. In winter, when deciduous trees are bare, the mast would be more exposed, and the loss of even one tree would materially increase its visibility. Accordingly, the screening benefits are fragile and cannot be relied upon to prevent the intrusion of the mast into the public realm nor the outlook from adjacent dwellings.

13. The proposed mast would be visible from wider public viewpoints, including positions within the Chilterns National Landscape. Furthermore, the NP identifies a series of key views, including Key View 10 from the surrounding countryside towards the recreation ground. From these wider public vantage points, the separation distance between the site and the wider public viewpoints, combined with the presence of mature planting around the recreation ground, would serve to soften and partially obscure the structure. In this broader context, the mast would appear as a distant slim vertical element within an already varied townscape. As such, its impact in these longer-range views would be limited.
14. Whilst the associated equipment cabinets are significantly more modest in scale compared to the monopole, their presence at ground level would nonetheless contribute to the cumulative visual impact of the installation within the designated LGS. The proposed planting around the development would provide little screening of the equipment when viewed from the recreational area.
15. My attention has been drawn to an appeal decision in Wokingham¹ concerning a similar 20-metre monopole within public open space. In that case, the Inspector found that the mast would appear alien and oppressive, undermining the verdancy and seclusion of the park. Whilst each case must be determined on its own merits, the parallels are instructive as both sites are valued recreational spaces and both proposals introduce a conspicuous engineered structure that detracts from the amenity and openness of the area. This similar case reinforces my conclusion that the proposal would harm the character and appearance of the area.
16. For these reasons, the siting and appearance of the proposed installation would result in unacceptable harm to the character and appearance of the area and the designated Local Green Space. Insofar as these are material considerations, the proposal conflicts with Policies DES1, DES2, ENV1 and INF3 of the South Oxfordshire Local Plan 2011 – 2035 and Policies SD3 and ENV4 of the NP, insofar as these policies seek to ensure high-quality design, protect landscape character and visual amenity, safeguard the integrity of designated green spaces and support telecommunications infrastructure only where siting and appearance are appropriately sensitive to their context.
17. I have had regard to the emerging Joint Local Plan 2041, which has been submitted for examination and therefore carries some weight. Its policies continue to highlight the importance of achieving high-quality design, safeguarding landscape character and ensuring the sensitive siting of telecommunications infrastructure. Whilst the existence of unresolved objections limits the extent of weight that can be attached at this stage, the emerging plan nonetheless lends further support to the conclusion that the appeal proposal, by reason of its siting and appearance, would conflict with the design and landscape objectives of the development plan.

Alternative sites

18. The Framework emphasises minimising the number of masts and exploring existing structures before proposing new installations. In this case, the appellant has undertaken a notably comprehensive search, assessing thirty-six potential locations across Henley-on-Thames. This breadth of analysis indicates an effort to address national policy expectations.

¹ Appeal reference APP/X0360/W/21/3285240

19. The appeal site was ultimately selected as the most technically and visually feasible location. It benefits from elevated topography, a central position within the identified coverage gap and partial screening from mature trees. Importantly, it lies outside designated heritage assets and statutory landscape constraints, which many other options did not.
20. Numerous alternative sites were discounted for clear and reasonable planning or technical reasons. Several were located within Conservation Areas or adjacent to listed buildings, where the introduction of a tall mast would have conflicted with heritage sensitivities. Others were too low-lying, obstructed by vegetation or too distant from the target coverage area to meet the operator's technical requirements. In each case, the appellant has provided a cogent explanation for rejection.
21. Rooftop options were also explored but ruled out due to structural inadequacy, safety risks to users of roof terraces or redevelopment uncertainty. Ground-based alternatives often required taller structures to overcome surrounding buildings or terrain, which would have resulted in greater visual harm or planning conflict than the appeal site.
22. Particular attention has been drawn to Townlands Memorial Hospital and Henley Fire Station. The appellant's evidence explains that the hospital rooftop posed unacceptable health and safety risks due to its terraces and balconies, while a ground-based mast there would have needed to exceed 20 metres in height, resulting in greater planning harm. The fire station, although well-located, was found to be structurally unsound and incapable of safely accommodating additional equipment without major reinforcement. Whilst the Council questions whether strengthening works could have been explored further, I am satisfied that the appellant's professional assessment reasonably concluded that these sites were not viable.
23. On the evidence before me, I find that the appellant has taken appropriate and proportionate steps to minimise mast proliferation and to explore existing opportunities before advancing a new site. The breadth of the search, the detailed reasoning provided and the rejection of alternatives on sound planning and technical grounds together demonstrate compliance with the Framework's expectations.
24. The Framework also makes clear that advanced, high-quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should actively support its expansion. In this context, the appellant's thorough site search and the absence of any more suitable alternative weigh strongly in favour of the appeal proposal.

Other Matters

25. A range of objections have been submitted by interested parties, which, alongside concerns about character and appearance, raise issues of potential noise, health, wildlife impacts and property values
26. The appellant has submitted certification confirming that the proposal complies with the guidelines set out by the International Commission on Non-Ionizing Radiation Protection. In such cases, national planning policy advises that health-related safeguards fall outside the remit of the decision-maker.

27. Concerns relating to potential noise, impacts on local wildlife and effects on property values have not been supported by substantive or technical evidence. Furthermore, the planning system is focused on assessing land use in the wider public interest and does not extend to safeguarding individual financial interests.
28. Concerns have been expressed about land stability, with reference to the site's historic use as a tip. However, no technical evidence has been submitted to demonstrate that ground conditions are unsuitable for development. In any event, structural concerns would be addressed through building regulations and engineering assessments at implementation stage.
29. Objections referring to covenants that restrict the use of the land for leisure purposes are acknowledged. However, such covenants are private legal matters and do not constitute material planning considerations. The planning system does not extend to resolving issues of land ownership or private legal agreements.
30. The presence of Japanese knotweed has been noted, but this is a matter of site management rather than planning principle. Knotweed can be effectively treated and controlled through established remediation protocols and its presence does not preclude development.

Conclusion

31. The siting and appearance of the proposed mast would give rise to unacceptable harm to the character and visual quality of the area. Nonetheless, in light of the absence of any more suitable alternative site within the required coverage zone, this harm is outweighed by the significant social and economic benefits associated with enhanced telecommunications provision. Accordingly, the appeal should be allowed, and prior approval is granted.

K Reeves

INSPECTOR