



Appeal Decision

Site visit made on 10 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2026

Appeal Ref: APP/Q1445/W/25/3373886

Land at pavement north of Dyke Road/The Upper Drive junction, Dyke Road, Brighton BN3 6NT

- 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 Cornerstone against the decision of Brighton & Hove City Council.
 - The application Ref is BH2025/01132.
 - The development proposed is mast, antennas, dish, cabinets and all ancillary development: 20m street furniture mast (RAL7035 Grey), 6No. antennas (RAL7035 Grey), 1No. dish (300mm) (RAL7035 Grey), 4No. cabinets (1No. 1900x600x1722mm, 1No. 823x600x1722mm, 1No. 655x264x1015mm, 1No. 993x600x1722mm) (RAL6009 Green).
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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 siting and appearance of a mast, antennas, dish, cabinets and all ancillary development: 20m street furniture mast (RAL7035 Grey), 6No. antennas (RAL7035 Grey), 1No. dish (300mm) (RAL7035 Grey), 4No. cabinets (1No. 1900x600x1722mm; 1No. 823x600x1722mm; 1No. 655x264x1015mm; 1No. 993x600x1722mm) (RAL6009 Green) at Land at pavement north of Dyke Road/The Upper Drive junction, Dyke Road, Brighton BN3 6NT in accordance with the terms of the application Ref BH2025/01132 and the plans submitted with it.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the installation, alteration or replacement of any electronic communications apparatus subject to limitations and conditions. The GPDO requires proposed developments to be assessed on the basis of their siting and appearance, taking into account any representations made.
3. The principle of development is established by the GPDO, and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have therefore had regard to the policies of the development plan only insofar as they are a material consideration relevant to matters of siting and appearance.

4. The first reason for refusal, relating to the impact of the proposal on the character and appearance of the area, included reference to the amenity of dwellings in the immediate vicinity of the site. As the Council's officer report confirmed that the proposal would not have an overbearing impact on residents, I have addressed this matter when considering character and appearance.

Main Issues

5. The main issues in this appeal are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area;
 - the effect of the siting and appearance of the proposed installation on the safety and convenience of pedestrians passing along the highway with particular regard to the needs of disabled people; 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

Character and appearance

6. The proposal is for a 20m high telecommunications mast and cabinet on the pavement close to the junction of Dyke Road with The Upper Drive.
7. Dyke Road is a well proportioned road characterised by wide pavements, street trees and, in places, grass verges. Flats and houses predominate in the immediate vicinity of the site, with a parade of shops and a petrol filling station on the far side of junction. There is an abundance of street furniture near the junction, including street lamps, traffic lights and signs, a CCTV column and a telegraph pole. The petrol filling station has a large freestanding sign facing the junction.
8. Given the character of the area, the addition of a mast and cabinet would not add significantly to the general sense of clutter. Although the column would have a wider diameter than the lamp posts and traffic signs, and the cabinet would be taller and wider than utilities cabinets nearby, these aspects of the proposal would not depart significantly from the prevailing character of the area.
9. The proposed mast would be taller than existing features in the area, with the appellant's plans showing it to be around twice the height of nearby lamp posts, and significantly taller than the closest trees. The antennae at the top of the mast would be bulky, adding to the mast's visual impact. Whilst in longer views the mast would be screened to some extent by trees and buildings, it would have a greater visual impact in shorter views, being clearly visible from the junction and from nearby flats and houses, notwithstanding intervening vegetation. As a result of its height, it would have a dominating appearance in the immediate area which would be detrimental to the character and appearance of the area.
10. The appellant has indicated that the style of mast proposed is the simplest and most functional design in their portfolio, and the most generally accepted design for masts in roadside locations. The mast would be coloured grey to blend in against the sky. I have been referred to two nearby roadside masts of similar

design which the Council approved, at the junction of The Upper Drive with Old Shoreham Road¹ and the junction of Old Shoreham Road and Bigwood Avenue² respectively. Whilst the proposed mast is similar in appearance to these existing masts, both are set against a backdrop of mature trees so that only their antennae are visible against the sky, limiting their visual impact. The proposed mast by contrast would be visible from all directions. I have therefore attached limited weight to these examples.

11. I conclude that the siting and appearance of the proposed installation would harm the character and appearance of the area. Whilst not determinative in relation to the appeal, the proposal would conflict with Policy DM25 of the City Plan Part Two: Brighton & Hove City Council's Development Plan October 2022 (CPPT), which requires communications infrastructure not to have an unacceptable impact on the character and appearance of the space within which the equipment is located, including contributing to an over accumulation of street clutter.

Safety and convenience of pedestrians

12. The mast and cabinet would occupy the rear part of the pavement, in front of a low wall. Whilst there is no street furniture directly in front of the appeal site, a traffic sign, street tree and lamp post are located close by, adjacent to the road. The Council considers that the proposal would cause an unexpected obstruction for pedestrians, particularly at busy times when children are going to and from school, and that it would create particular difficulties for those with impaired vision or mobility, including pushchairs/wheelchairs and mobility scooters.
13. The document entitled 'Inclusive Mobility: A Guide to Best Practice', published by the Department of Transport in December 2021, is a material consideration. It guides that a minimum 2m wide pavement is required, although this can be reduced in certain circumstances. According to the main parties, the retained pavement would be between 3m and 4m wide, comfortably exceeding the minimum required width to ensure pedestrian convenience.
14. Although the proposed mast and cabinet would introduce an additional obstruction, the pedestrian desire line along Dyke Road is already impacted by street furniture, with the result that pedestrians currently have to make appropriate adjustments. The generous width of the retained pavement and the location of the mast and cabinets hard up against the back edge of the pavement mean that pedestrians would not be unduly inconvenienced even at busy times, including those with impaired vision or mobility. In reaching this conclusion, I have noted the proximity of the road junction, the nearby presence of a bus stop, and the adjacent steps down to Martlet House.
15. I conclude that the siting and appearance of the proposed installation would not adversely affect the safety and convenience of pedestrians passing along the highway, having particular regard to the needs of disabled people.

Need for the installation

16. The Framework advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. It states that planning policies and decisions should support the expansion of electronic

¹ LPA reference BH2020/01005

² LPA reference BH2016/02831

communications networks, including next generation mobile technology (such as 5G).

17. The appellant has explained that VodafoneThree has a licence to provide 4G and 5G services, with a technical requirement to improve network coverage and capacity and establish new superfast 5G services. There is currently a gap in 4G coverage in the vicinity of Preston Park. The existing base station at Quebec Barracks on Dyke Road cannot be upgraded to accommodate all the required antennae needed to achieve suitable coverage, so a new location is required. Whilst not determinative, Policy DM25 of the CPPT requires all options for sharing of existing equipment and/or erecting masts on existing buildings or other structures to be thoroughly assessed.
18. The appellant has supplied details of the site search which has been undertaken. Two buildings in the search area are tall enough to accommodate the necessary antennae, but the Council was unable to support the required pole-mounted antennae at Park Lodge because of their visual impact, whilst Quebec Barracks cannot accommodate all the required antennae. Buildings outside the search area were rejected because they would have required more substantial rooftop masts. Ground-based options required taller and more obtrusive lattice masts, owing either to the proximity of tall buildings or the lower level of the land. For other ground-based options, the site was either too small or it was unsafe to install a ground-based mast, or heritage assets would have been adversely impacted.
19. The appellant has undertaken an extensive site search, which has not identified any preferable sites within or near the search area. The proposed mast needs to be 20m high to allow the antennae to transmit effectively, and both the mast and cabinet represent the slimmest design solution available. The Council has not disputed the appellant's findings or suggested other sites. I therefore find that there is a need for the installation to be sited as proposed, taking into account any suitable alternatives.

Other Matters

20. S66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to preserving the setting of listed buildings. The National Planning Policy Framework (the Framework) guides that the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset, should be identified and assessed.
21. The former Dyke Road Hotel, known as the Dyke Tavern, is a Grade II listed building whose significance derives from its history and appearance as a purpose-built 'improved' public house built in 1895 in the Tudor Revival Arts and Crafts style. Constructed of brick on the ground floor and with a timber-framed first floor, it has well-articulated frontages and decorative features, and a high standard of craftsmanship. It is located at the junction of Dyke Road and Highcroft Villas, and its setting is primarily that of the road junction itself and the buildings adjacent and opposite.
22. The proposed mast would be located on the opposite side of the junction, set slightly back from it. Given the urban character of the junction and the significant amount of existing street furniture, together with the distance between the

proposed mast and the public house, the proposal would have a neutral impact on the setting of the listed building and would not harm its significance.

23. It is a requirement of the Framework that network operators confirm that their proposals comply with the International Commission on Non-Ionising Radiation Protection (ICNIRP). The appellant supplied an ICNIRP Certificate with the application. As such, no further consideration needs to be given to health matters, notwithstanding the nearby presence of schools. It is for the operator to ensure that the mast is made secure and cannot be climbed on or subject to graffiti.
24. I have not been supplied with evidence that the proposed apparatus would cause a noise nuisance. The Council has suggested a condition to control noise levels, but the GPDO makes provision only for deemed conditions to be applied to proposals by electronic communications code operators.
25. Similarly, evidence has not been provided that the proposal would have an adverse impact on protected species or biodiversity.
26. The power consumption of the mast and the potential for disruption during the construction phase fall outside the scope of this appeal. Any effect on property values similarly falls outside the scope of this appeal.

Conclusion and conditions

27. The proposal would cause harm to the character and appearance of the area, but would result in the provision of an enhanced telecommunication network. Given the need for the installation to be sited as proposed and the absence of suitable alternatives, I find that the harm to the character and appearance of the area is outweighed by the public benefits of providing an efficient and reliable telecommunication infrastructure.
28. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. Disability is a protected characteristic under the Act, which seeks to remove environmental barriers to disabled people. However, as I have found that a pavement of sufficient width would be retained, the proposal would not unacceptably interfere with the ability of pedestrians with impaired vision or mobility to navigate the pavement along Dyke Road.
29. For these reasons, I conclude that the appeal should be allowed and prior approval should be granted.
30. In accordance with Article 3(1) and Schedule 2, Part 16, Class A, the development must be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date of the approval, and must 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.

J Heppell

INSPECTOR