The Planning Inspectorate

Appeal Decision

Site visit made on 3 October 2022

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2022

Appeal Ref: APP/A2525/W/22/3298785
The Parkway, Off Hawthorn Bank, Spalding

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of South Holland District Council.
- The application Ref H16-1031-21, dated 26 September 2021, was refused by notice dated 12 November 2021.
- The development proposed is a 15.0m Phase 8 Monopole C/W wraproud Cabinet at base and associated ancillary works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The parties have used different addresses for the appeal site in their documentation. The address used by the Council most accurately identifies the appeal site and is used in the banner heading above.

3. The provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended), 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. Both parties agree that prior approval is only required in relation to the proposed 15 metre monopole mast with the other associated works proposed being permitted development. I have considered this appeal on this basis.

Planning Policy

5. The principle of development is established by the GPDO and the provisions of Article 3(1) and 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 (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

6. The effect of the siting and appearance of the proposed installation 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

Siting and appearance

7. The area of The Parkway where the proposal is to be sited relates to a relatively straight part of the roadway with footways and grassed verges to either side of the road, creating an open and spacious environment. This is further augmented by the generous set back of buildings from the roadway creating a relatively low density environment, where such buildings are not overly dominant. The soft landscaping includes trees both along the roadside and within the large adjoining grassed open space. There is limited and relatively discrete street furniture along this part of The Parkway, including a bin, bus stop signage and street lighting columns. This street furniture is not unduly prominent in these largely grassed undeveloped open areas.

8. The siting of the proposed 15 metre high monopole on the grass verge, between the footway and road surface of The Parkway, would introduce a wholly discordant and unnatural feature into this otherwise open and spacious environment. Furthermore, the hard-edged, bulky and bold appearance of the proposal, so close to the roadway would be particularly jarring. Introducing an alien feature that would also be extremely prominent due to its siting and height, would be inconsistent with the distinctive character and appearance of this area.

9. In my view, the proposal would be clearly distinguished from the existing trees, regardless of its colour. Its height and design would not be comparable to the street lighting columns, which are of a lower height and slender width.

10. For these reasons, I conclude that the siting and appearance of the proposal would be harmful to the character and appearance of the area. Although not determinative, this harm would be in conflict with Policy 2 and Policy 3 of the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, which amongst other things, requires high quality development that reflects the distinctive character and appearance of the area. I also find the proposal in conflict with paragraphs 115, 126 and 130 of the Framework which also requires proposals to be of high quality design that adds to the overall quality of an area.

Suitable alternative sites

11. I note the appellant's submissions about being unable to utilise existing masts and the information showing one existing mast in the Spalding area is not meeting demand in some directions. However, no exact coverage maps of the operator's mobile phone reception in this locality have been provided to support their search area. The site nominal is shown to be some way from the site (beyond the railway line). The appellants have listed 5 other site options and a brief commentary as to why they were discounted. The reasons for discounting the 5 other sites are not fully substantiated, with limited reasoning

provided. Such reasoning includes requiring works to prune a tree canopy, residential amenity reasons, or underground servicing.

12. Even accepting the appellant's submission that mast sharing is not possible, it is still unclear what reception coverage is available for this area or indeed the exact search area. Moreover, the submitted justification for this site has not satisfactorily demonstrated why it is the only available site in the locality. These arguments, based on the evidence before me, do not in my view outweigh the harm identified.

Other Matters

13. Reference has been made to various environmental, social and economic benefits that would arise, but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

A Hunter

INSPECTOR