



Appeal Decision

Site visit made on 31 July 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/X0360/W/22/3311026

Broadwater Lane, Twyford, Hurst, Wokingham RG10 0EH

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Wokingham Borough Council.
 - The application Ref 222846, dated 16 September 2022, was refused by notice dated 17 October 2022.
 - The development proposed is described as a 'proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. However, a developer must apply to the local planning authority (LPA) to establish as to whether the prior approval of the LPA is required as to the siting and appearance of the proposal.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and any related guidance 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

4. The main issues are 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

5. The appeal site lies on the edge of the village of St Nicholas Hurst, on a grass verge alongside Broadwater Lane. Whilst not immediately next to the appeal site, there are a number of trees further along the highway along with the opposite side. There are some street signs, electricity poles and free-standing advertisements nearby for the nearby public house. Whilst this public house

and the rear of the dwellings along Lodge Road sit to the west, the surroundings have a semi-rural character.

6. I note that a previous proposal¹ for a 18m mast was refused recently on the basis of its visual impact. The proposal before me has been reduced in height to 15m, and whilst remaining taller than any of these existing surrounding vertical elements, it would be mostly screened by the tree line from the south, albeit this would be reduced in the winter, and be seen in the context of the rear of residential properties and the public house and its car park when travelling from the north.
7. Its reduced height would limit its visual impact; however, the large size and utilitarian appearance of the proposed mast would appear out of scale and overly prominent from the residential properties along Lodge Road for example. It would also be visible from distance views from the centre of the village to the south. I therefore conclude that the siting and appearance of the development would have a moderately harmful visual effect on the existing semi-rural character and appearance of the local area.
8. The requirement for the mast and equipment within the immediate locality is clear and the appellant sets out that no mast/site sharing opportunities or existing buildings/structures were identified, in accordance with Paragraph 117c of the Framework. The appellant has ruled out a number of alternative sites within the designated search area, which are discounted due to reasons such as proximity to residential properties, Listed Buildings, overhead cables and tree canopy.
9. However, no information is provided regarding identified 'option1', and D7 is discounted due to 'build difficulties'. There is no clarification or expansion on this, and it is not clear whether the 'build difficulties' would prevent installation or make it less convenient. I note that the Inspector for the previous appeal referenced above raised the same issues.
10. As such, I am therefore not satisfied that alternatives have been adequately addressed. Having regard to all of the above, there is not sufficient evidence before me to definitively rule out other sites and to conclude that the proposed development needs to be sited as proposed because the appeal site is the only feasible or least-worst option. As such, I cannot give this weight in favour of the scheme, and in coming to this view, I have taken into account the constrained nature of the cell search area.
11. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the subsequent economic growth and social well-being arising from reliable communications infrastructure. In addition, the government aims to increase coverage and 'level up' digital connectivity, and the appellant has provided the necessary evidence to justify the proposed development. However, although I recognise the benefits of the proposal and the need for improved coverage in the locality, in this case, I have found that the siting and appearance of the proposed installation would lead to harm to the character and appearance of the area. This harm would not be outweighed by the other material considerations of the identified need for the installation, or the alternative sites put forward.

¹ Application reference 211667, appeal reference APP/X0360/W/21/3279867.

Conclusion

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

B Phillips

INSPECTOR