



Appeal Decision

Site visit made on 11 September 2017

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2017

Appeal Ref: APP/K2610/W/17/3176890

Cricket Ground and Pavilion, Hall Lane, Felthorpe, Norwich NR10 4BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CTIL and Telefonica UK Ltd against the decision of Broadland District Council.
 - The application Ref 20161924, dated 4 November 2016, was refused by notice dated 23 December 2016.
 - The development proposed is installation of a mobile telecommunications radio base station comprising a 27 m high lattice tower supporting 3 No antennas and 2 No 600 mm diameter dishes, along with equipment housing and development ancillary thereto within a fenced compound.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a mobile telecommunications radio base station comprising a 27 m high lattice tower supporting 3 No antennas and 2 No 600 mm diameter dishes, along with equipment housing and development ancillary thereto within a fenced compound at Cricket Ground and Pavilion, Hall Lane, Felthorpe, Norwich NR10 4BX in accordance with the terms of the application, Ref 20161924, dated 4 November 2016 subject to the conditions set out in the schedule to this decision notice.

Main Issue

2. The main issues are:
 - The effect of the proposal on the character and appearance of Hall Lane.
 - Whether any harm caused to the character and appearance of Hall Lane would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

3. Hall Lane is a narrow country lane with some residential properties mainly concentrated at the south eastern end of the lane within the village of Felthorpe. There is a high level of tree cover along the roadside creating a verdant rural character and appearance to Hall Lane.
4. The appeal site is adjacent to the entrance of the cricket club on the north east side of Hall Lane. The cricket club contains a large area of open space together with small scale, mainly single storey structures. There are a number of trees

- close to the road together with some hedgerow and therefore the cricket club including the appeal site, which is currently open, contributes positively to the character and appearance of Hall Lane.
5. The proposed lattice tower would be some 27 metres high supporting three antennas and two dishes and located close to Hall Lane. An equipment cabinet together with a metre cabinet and flatpack rack would be located around the base of the tower and all would be enclosed by a two metre high chain link fence.
 6. Street furniture along the lane is limited to telegraph poles and a dog waste bin which are unobtrusive in the street scene. The proposed tower would be much higher than the existing telegraph poles and of a utilitarian design. As a consequence, its location close to the road would make it particularly visible and prominent from Hall Lane. The prominence would be exacerbated by the presence of the equipment housing and fencing which would have an urban character within an otherwise rural setting. The existing tree and hedge cover would provide some screening. However, this would be limited due to the more intermittent nature of the landscaping in the locality of the appeal site.
 7. Furthermore, the screening would be restricted to spring and summer months. In the autumn and winter when the trees lose their leaves the site would be more open, as evidenced in the photographs submitted by the Council. While the prominence of the tower would be somewhat tempered by its limited width and open structure, its height and proximity to the road, together with the associated equipment and fence would be an incongruous urban feature in a predominantly rural context. However, I saw that the tower and associated equipment would not be visible from Hall Lane as a whole instead it would have a relatively localised impact on the character of the area, the most marked effect being on the character of the immediate locality of the appeal site due to the more open nature of tree cover.
 8. At my site visit I took the opportunity to view the appeal site from a wider area. There would be very limited views of the tower from the south and south west. From the south east only the top of the tower together with the antennas and dishes would be visible due to intervening substantial tree cover. My observations, together with photo montages submitted by the appellant lead me to conclude that the proposed tower would not be materially harmful when viewed from further afield. I note that the Council does not raise concerns in this respect.
 9. Nonetheless, for the reasons above I conclude that the proposal would cause some localised harm to the character and appearance of Hall Lane. As a result the proposal would be contrary to Policies 1 and 2 of the Joint Coe Strategy for Broadland, Norwich and South Norfolk 2011 with amendments in 2014 (the Core Strategy) and Policy GC4 i & ii of the Development Management Development Plan Document 2015. These require that development conserves and enhances existing environmental assets of local importance, respects and reinforces local distinctiveness and the environmental character and appearance of the area.
 10. In the above context, it is necessary to balance that harm against other considerations mitigating in favour of the mast. From a national perspective the National Planning Policy Framework (the Framework) makes it clear in paragraph 42 that high quality communications infrastructure is essential for

sustainable economic growth. The appellant provides evidence that the telecommunications equipment would introduce 2G, 3G and 4G mobile electronic communications services to Felthorpe, an area with a longstanding coverage deficiency.

11. In accordance with the requirements of paragraph 45 of the Framework, there is also evidence before me to demonstrate the search for alternative sites in the local area including existing structures. This involved the consideration and assessment of a number of sites both prior to the submission of the planning application and subsequently to accompany the appeal submission. For various reasons, the proposed site appears to be the only practical alternative to the existing site. I took the opportunity to view Bilney Lane, referred to by both the appellant and local residents as being an alternative location for the tower. However, while the screening at Hall Lane is not ideal, Bilney Lane, even with hedgerows, mostly has a more open character and appearance with consequent implications for long distance views.
12. Paragraph 46 of the Framework states that the need for telecommunications equipment should not be questioned. Furthermore, I note that the Council raised no objections at the application stage to either the need for the mast or to the possibility of any alternative sites which might be preferable. I therefore attach significant weight to such issues.
13. I therefore conclude that while the proposal would cause some harm to the character and appearance of Hall Lane this would be outweighed by the need for the proposal and the lack of alternative sites that would cause less material harm. The proposal would therefore be in accordance with paragraphs 42 and 45 of the Framework.

Other matters

14. The proposed tower would according to the Council be located about 40 metres from the nearest residential property The Walnuts to the southeast of the appeal site. While this property has at least one side window and the tower may be visible from adjacent residential properties to varying degrees, I saw nothing on site that would lead me to disagree with the Council's conclusion that the intervening distance between the houses and the tower would be sufficient to ensure it would not be unacceptably overbearing.
15. The appellant has confirmed that there are no plans to lop or remove adjacent trees. Furthermore, as part of the preparation works for the proposals, work was undertaken to ascertain the height of the tower required to clear the surrounding tree cover. This work resulted in the application for a 27 metre high tower. Moreover, I note that the Council's Conservation Officer (Arboriculture & Landscape) has not objected to the proposals subject to the imposition of a condition requiring the implementation of tree and ground protection measures.
16. In respect of the health concerns raised by local residents, the Council verify that the appellant submitted a certificate confirming that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP). In such circumstances paragraph 46 of the Framework advises that decision makers should not determine health safeguards.

17. I note the comments submitted regarding the conduct of the appellant and some of the interested parties. However, these are separate matters to the determination of this planning appeal. The scheme is acceptable on its planning merits.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

19. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

20. A condition is necessary to protect the existing trees on site prior to development taking place to protect them from damage from construction works. I have given consideration to whether it would be reasonable to impose a landscaping condition. However, the area in between the proposed fence and Hall Lane is not within the application site. Furthermore, as I have already found the development to be acceptable it would not be necessary to make an unacceptable development acceptable as required by the Framework.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100B, 200B, 300C, 301A, 302A, 303A
- 3) No development shall take place until the tree and ground protection measures identified in sections 10.2 and 10.3 and Appendices B and C of the Arboricultural Report prepared by Sylvan Arb have been implemented. These measures shall then remain in place for the duration of the works.