

CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by CK Hutchinson Network (UK) Ltd against the refusal of Cherwell District Council to grant outline prior approval for the construction of 15m Phase 8 Monopole C/W wraparound at base and associated ancillary works at Street Record, Station Road, Kirtlington, OX5 3EZ.

Appellant : CK Hutchinson Network (UK) Ltd

Appeal Site : Street Record
Station Road
Kirtlington

Appellant's Agent : WHP Telecoms

LPA Reference : 21/03452/TEL56

Planning Inspectorate Reference : APP/C3105/W/22/3290284

1. INTRODUCTION

- 1.1. Prior Approval for the erection of a 15m Phase 8 Monopole was refused by the Council on 3rd December 2021. The Council's case is set out within the Officer's report for the prior approval, copies of which have already been supplied. This Statement of Case seeks to clarify the arguments set out in the Officer report and to respond to the key issues arising from the appellant's grounds of appeal.
- 1.2. The Council would like to bring to the attention of the Planning Inspectorate, the Mid-Cherwell Neighbourhood Plan (MCNP) which forms part of the development plan. It is noted that the Officer's report inadvertently did not make reference to the MCNP. Whilst not introducing new evidence in support of its case; it is worth pointing out that the MCNP aligns with Local Plan policy and Government guidance contained within the NPPF when it states that: *Any proposed improvements to mobile telephone coverage and planning applications for new or improved mobile telephone and broadband infrastructure should not adversely affect the surrounding built and natural environment, including the setting of heritage assets and important views.*

2. STATEMENT OF CASE

- 2.1. The Council considered that the mast due to its siting and design would result in harm to a designated heritage asset, the Kirtlington Conservation Area. This harm was considered to be less than substantial.
- 2.2. The appellant infers that the Council failed in its duty to weigh up the benefits against the harm caused (paragraph 3.10 of the appellant's statement) when making its decision. This is not the case. The case officer clearly sets out the benefits of the proposal, most notably the economic and social benefits of improving digital

connectivity for both local residents and businesses, in the *Planning Balance and Conclusion* section of the report.

- 2.3. The appellant considers the area is urban in character (paragraph 3.4 of the appellant's statement). The Council questions this observation. The site is located on an area of highway verge, consisting of open grassland with a dry-stone wall to the south. There are green verges to the north. Properties to the north are set back from the main road. This creates an open character to this part of the village. The appeal site is not 'urban' in nature.
- 2.4. The appellant states at paragraph 3.8 and 4.1.15 that the Council did not respond to their original pre-application consultation in respect of the appeal site. This is not the case, see appendix A (emailed to the appellant on the 1st November 2021). Although, given the nature of the initial submission, the Council did not seek public consultation outside the Parish Council, it nonetheless received in excess of 100 objections from concerned local residents (the appeal submission also attracted a large number of objections). Such a response is unprecedented. The appellant evidently chose not to reconsider its position and has ignored the strong local reaction.
- 2.5. The appellant requests that, if the Inspector is minded to allow the appeal, the colour of the monopole could be conditioned. Whilst such a condition would be reasonable, it would not mitigate the harm caused by the overall size and design of the monopole in such a sensitive part of the village.

3. CONCLUSION

- 3.1. The Council submits that the proposed erection of a 15 metre, phase 8, monopole would have a detrimental impact on the character and appearance of the Kirtlington Conservation Area. The Council does not agree with the appellant that the benefits of the scheme outweigh the less than substantial harm identified.
- 3.2. Accordingly, the Inspector is respectfully requested to uphold the decisions made by the Local Planning Authority and dismiss this appeal.

4 SUGGESTED CONDITIONS

- 4.1. Without prejudice to the preceding statement, if the Inspector is minded to allow this appeal, the Council would suggest the following conditions be included on the prior approval (21/03452/TEL56):

The proposed development, notwithstanding this decision, must be in compliance with all other conditions and limitations set out in Schedule 2, Part 16, Class A to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information

contained within the application form, Site Specific Supplementary Information and the following approved plan: CWL_18719_M001 Rev A

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. Prior to the installation of the monopole hereby approved, details of the monopole's colour shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to its first use.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.