



Appeal Decision

Site visit made on 6 September 2017

by **Mike Hayden BSc DipTP MRTPI**

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

Decision date: 03 October 2017

Appeal Ref: APP/C3105/W/17/3174363

Land off B4035, Sibford Gower, Oxfordshire OX15 6LL

- 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 Mr Simon Mitchell of Harlequin Group against the decision of Cherwell District Council.
 - The application Ref 16/02150/F, dated 25 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the installation of 1 no. 21m high RT Swann Lattice tower on a new concrete base with 6 no. antennas, 2 no. dishes, 4 no. cabinets and ancillary development thereto.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 1 no. 21m high RT Swann Lattice tower on a new concrete base with 6 no. antennas, 2 no. dishes, 4 no. cabinets and ancillary development thereto at Land off B4035, Sibford Ferris, Oxfordshire OX15 6LL in accordance with the terms of the application, Ref 16/02150/F, dated 25 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 B, 101 A, 200 A and 300 A.
 - 3) No development shall commence until a colour scheme for the lattice tower has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
 - 4) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the proposed planting including their species, number, sizes and positions together with details of hard surface areas, including surface materials. Development shall be carried out in accordance with the approved scheme. All planting comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development that die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matter

2. Class A of Part 16 of the General Permitted Development (England) Order 2015 (GPDO) was amended on 24 November 2016, such that the proposed development if submitted as an application now could be considered under prior approval procedures. However, the amended provisions of the GPDO only apply to applications made on or after 24 November 2016. The application the subject of this appeal was submitted on 25 October 2016. Accordingly, I have determined this as an appeal against the refusal of planning permission and not under the prior approval process.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area, including the setting of the Cotswolds AONB and, in the event that any harm is identified, whether that harm would be outweighed by the need to site the installation in the location proposed having regard to the potential availability of alternative sites.

Reasons

4. The appeal site is located in the corner of an agricultural field, adjacent to the B4035, approximately mid-way between the villages of Sibford Gower to the south and Epwell to the north. On its south-western side along the boundary with the highway is a mature field hedge containing a number of substantial trees, which effectively screens the site from the road. On its north-western side is another field hedge, which limits views into the site from the north. To east of the site the field is open and flat. A public footpath (348/17/20) runs across the field from where the site is clearly visible.
5. The surrounding countryside comprises rolling countryside, typically characterised by undulating fields, broken up by hedgerows and pockets of woodland. To the north of the site, approximately 300 metres to its nearest point, is the Cotswolds Area of Outstanding Natural Beauty (AONB). There are other telecommunications equipment and structures visible within this context, including an electricity power line running across the field to the south and east of the site and a large telecommunications mast to the north within the AONB.
6. The proposed development would consist of a 21 metre (m) tall, lattice style tower, with antennae and dishes at the top. At its base would be 4 equipment cabinets at around 2m high, on a 7m by 7m concrete base, surrounded by a 1.8m high chain link fence. Due to the significant hedge and tree screen on the roadside boundary, only the top section of the tower would be visible above the tree line from the B4035. Although the ground level rises from the south and north up to the site, due to the undulating nature of the surrounding topography, views of the mast and base station from further north, south and west would be limited and largely masked by woodlands and hedgerows.
7. The tower and base station would fully visible from the public footpath to the east of the site. However, they would be seen mainly against a backdrop of trees and hedgerows and subject to a suitable colour scheme on the mast, which could be conditioned, its appearance could be camouflaged. An appropriately specified landscaping scheme, planted around the eastern and southern perimeter of the site, would also help to screen the base station cabinets in views across the field from the east. Again this could be secured by condition.

8. Although the trees and hedgerows surrounding the appeal site are not in the appellant's control, there is no evidence to suggest they are likely to be removed by the landowner. Whilst I acknowledge that the tree cover would not be in leaf all year round, the see-through appearance of the lattice tower would help to minimise its visibility through and against the trees during winter months.
9. Given the limited visibility of the proposed development, subject to the above conditions, it would not have a significant visual impact on the surrounding countryside. Likewise its effect on the setting and background views of the AONB landscape to the north would be limited. The presence of other telecommunications structures within the landscape would ensure that where they are visible, the tower and base station would not appear out of place in this context. Policies ESD12, ESD13 and ESD15 of the Cherwell Local Plan (2015) seek to protect the AONB, the landscape and the built and historic environment from potentially damaging development. The proposed scheme would accord with these policies.
10. The National Planning Policy Framework (the Framework) regards a high quality telecommunications network as essential for economic growth. Paragraph 43 of the Framework aims to keep the numbers of masts and sites to a minimum, encouraging sharing of existing masts, buildings and structures. But where new sites are required, equipment should be sympathetically designed and camouflaged. The proposal would meet with that expectation, subject to the conditions referred to above. Saved Policy C39 of the Cherwell Local Plan (1996), although predating the Framework, reflects this approach and seeks to avoid sites in the AONB unless there are no suitable alternatives in less sensitive locations. The proposal would achieve this.
11. In this case there is an evident need for effective 4G network coverage in the Sibford/Epwell area, as demonstrated by both the signal coverage maps and the supporting representations from local residents and businesses. The appellant has considered a number of alternative locations, including sites on buildings, and has addressed the potential for sharing of existing masts. However, the evidence submitted demonstrates that of those which are available and would provide the necessary signal coverage, none would be more suitable than the proposed site.
12. The appellant states that the proposal is permitted development. I have established above that due to the timing of the submission of the application the subject of this appeal, the prior approval procedures under Class A of Part 16 Schedule 2 of the GPDO do not apply in this case. Nevertheless, even if those provisions did apply, siting and appearance would still be matters for consideration. Accordingly, the changes to the GPDO offer no additional weight in favour of the appeal proposal in this case.
13. Overall, I conclude that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, including the setting of the Cotswolds AONB. Alternative sites have been considered to meet the network coverage needs, but none identified which would cause less harm. Accordingly, the proposal would comply with saved Policy C39 of the 1996 Local Plan and Policies ESD12, ESD13 and ESD15 of the 2015 Local Plan. It would also be consistent with paragraph 43 of the Framework.

Conditions

14. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance and the list of conditions supplied by the Council. I have attached conditions limiting the life of the permission in accordance with the requirements of the Act and specifying the approved plans in the interest of certainty. Conditions requiring the finished colour scheme for the lattice tower and a landscaping scheme to be approved and implemented are necessary to ensure the visual impact of the development would be acceptable.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

M Hayden

INSPECTOR