

TOWN AND COUNTRY PLANNING ACT 1990

This item is intended to update Members on appeals against planning decisions and enforcement action. Information is provided on appeals lodged, proposed hearing and inquiry dates, appeal decisions and when appropriate, details of recent cases in interest.

1. Decisions Notified By The Secretary of State

Ref. No.	Details	Decision and Date
S/0878/03/F	Hutchison 3G UK Ltd N/W of Whitehouse Lane, Off Huntingdon Road <u>Girton</u> Replacement of 20m high mast with a 25m high monopole and equipment cabins (Delegated Refusal)	Dismissed 22/06/2004
S/0455/03/F	Excelcare Etheldred House, Clay Street <u>Histon</u> Erection of nursing home (95 bed), District nurses centre, and alterations to access following demolition of existing (Non-Determination)	Dismissed 25/06/2004
S/1785/03/PNT	Orange PCS Ltd Manor Farm, Green End <u>Comberton</u> 15 metre high monopole telecommunications mast & associated development (Delegated Refusal)	Allowed 29/06/2004
27 Appeals	Plots 1-33 Sandy Park Fen Road, Chesterton <u>Milton</u> Siting of gypsy caravans (Delegated Refusal)	Dismissed 01/07/2004
S/1594/03/F	Keith Collier Engineering Ltd Unit 6, Riverview Farm, Overcote Road, <u>Over</u> Extension to workshop (Officer Recommendation to Refuse)	Dismissed 08/07/200

2. Summaries Of Recent Decisions Of Interest

Hutchison 3G (UK) Ltd.- Replacement of 20 Metre High Mast with a 25 Metre High Monopole and Equipment Cabins- Land at NIAB, Whitehouse Lane, Off Huntingdon Road, Girton- Appeal Dismissed

The main issues in the determination of this appeal were whether the proposal amounted to inappropriate development in the Green Belt, and if so, whether there were any very special circumstances to set aside the normal strong presumption against inappropriate development and any other harm that may be caused by the proposed mast.

The site is situated in open and flat countryside between the edge of the built-up area of Cambridge and housing in Thornton Close in the village of Girton. It lies close to a range of modern buildings that form part of the National Institute of Agricultural Botany (NIAB) and a public footpath. A small copse of trees and a playing field lie beyond the public footpath.

The Inspector confirmed that the proposed telecommunications mast represented inappropriate development, and was by definition harmful to the Green Belt, as it did not fall under any of the limited buildings listed in PPG2 and local plan policy GB2 as appropriate in such a location. He considered that the whole of the proposed monopole would be readily visible from the footpath alongside the site and the upper part would be visible from the footpath along Whitehouse Lane, the adjacent playing field, many dwellings in Thornton Close and surrounding agricultural land. It would therefore adversely affect the openness of the Green Belt. Whilst the existing mast is also deemed to be inappropriate, the solid construction and the increase in the height of the proposed mast together with the larger compound and equipment cabin were judged to have a materially greater impact on the Green Belt.

The Inspector considered that the proposed mast would also cause other harm to the Green Belt. He felt that the existing mast appeared as a stark, utilitarian and incongruous feature in the landscape and therefore created visual intrusion that was apparent on the skyline. The proposed taller mast was considered to exacerbate the existing harm, as it would be more conspicuous above the tree line in views from both the playing field and dwellings in Thornton Close. It would therefore not relate sensitively to the local environment and harm the character and appearance of the landscape. The mast was not, however, considered to adversely affect the residential amenities of local residents through being oppressive or overbearing due to the adequate separation in the form of the playing field between the dwellings and the mast.

Both the Council and the appellant agreed that there was a need for the mast in order to provide adequate coverage for this area of the city. The appellant requires a mast of this height to avoid interference between different operators using the mast. The Inspector agreed that the mast was therefore the minimum height necessary to provide adequate coverage by both operators. The appellant provided nine alternative sites for the replacement mast and reasons why they were not acceptable. The Inspector considered that the mast would have a far less impact on the openness of the Green Belt than a mast on a new site within the Green Belt. He was not however satisfied that alternative sites outside the Green Belt, especially within the built-up area of Cambridge, had been properly explored. He confirmed that there was no evidence to suggest that such installations would be technically incapable of providing the coverage required. The appellant stated that the City Council encourages operators to be located as far away from schools, residential area and hospital as possible, but felt that this was not in accordance with national advice in PPG8 that seeks to safeguard areas of environmental importance such as Green Belts.

The Inspector accepted that the proposal was consistent with national and local policies that seek to encourage mast sharing but did not consider that there were very special circumstances to allow the appeal as no sites outside the Green Belt had been investigated. He concluded by stating that, on balance, he was not satisfied that the need for the installation outweighs the harm from the inappropriate nature of the development, the additional loss of openness and the adverse impact of the mast upon the character and appearance of the area.

The concerns raised by local residents regarding the health risks of the development were also dismissed. The Inspector stated that the base station complied with the radio frequency public exposure guidelines of the Internal Commission on Non-Ionising Radiation Protection (ICNIRP) and there was no evidence to show that there would be an actual risk to health. In any case, he confirmed that the planning system was not the place for determining health safeguards.

Orange Personal Communication Services Ltd.- 15 Metre High Monopole Telecommunications Mast and Associated Development- Manor Farm, Green End, Comberton- Appeal Allowed

The principal factors in the determination of this appeal were the likely impact of the proposed development upon the appearance of the surrounding area with regards to its Green Belt status and the effect of the installation upon the health and well-being of those living or working within the vicinity of the site.

The site is located in an area of open undulating countryside to the north of the village of Comberton. It lies on the edge of arable farmland, to the north of a belt of trees and to the west of a large agricultural building. An existing telecommunications mast is situated 34 metres to the east of the site.

The Inspector confirmed that the proposed telecommunications mast represented inappropriate development in the Green Belt, as it did not fall under one of the purposes specifically referred to paragraph 3.4 of PPG2 as appropriate in such a location. He did, however, consider whether there were any special circumstances in this case that would justify allowing such a development.

From the evidence produced by the appellant, the Inspector accepted that there was a deficiency in the coverage and capacity of the existing network in the locality and therefore there was a need for the mast. The number of alternative sites considered and rejected due to reasons such as technical constraints and site provider problems together with the lack of tall buildings within the area were factors that were considered materially supportive of the need to locate the proposed installation within this Green Belt area.

It was acknowledged that the appellant had already gained approval for the siting of a similar mast at the nearby Highfield Farm, but that this option was no longer considered viable as a result of a poor coverage. In any case, the Inspector considered that the open, elevated position of a mast at Highfield Farm would be visually intrusive.

With regards to mast sharing of the existing mast in close proximity to the site, the Inspector agreed with both parties that a mast with an enlarged bulk and height to accommodate the equipment of both telecommunications operators would be more visually intrusive than a second installation.

The Inspector accepted that the existing installation close to the site was visible from a number of public vantage points along Green End. It was also visible from private rear gardens belonging to dwellings. He did, however, deduce that the proposed mast would be less visually intrusive than the existing mast as it would be partly hidden behind that mast and the large substantial agricultural buildings between Green End and the site.

He concluded by stating that although the mast would have a slight impact on the openness of the Green Belt, in the absence of any other suitable sites, very special circumstances therefore did exist to override the strong policy objections to the development and that the Manor Farm site was the best available option.

With regards to the impact of the development upon the health of villagers, whilst the site would be within 250 metres of nearby residential properties, the Inspector considered that there was no evidence to suggest that a minimum distance needed to be provided between dwellings and base stations to reduce the health risk of such installations. This was backed up by the appellant producing an ICNIRP certificate indicating that the proposal would be in full compliance with the limitation of exposure of the public to electro magnetic fields. The concerns about the perceived risks to health posed by the mast were not felt significant enough to justify withholding approval.

The appeal was therefore allowed subject to a condition that requires a Section 106 legal agreement to be undertaken in order to revoke the approval previously granted at Highfield Farm. The consent also included a number of other conditions regarding protection of the radio telescope at Lordsbridge, the design and colour treatment of the mast, and landscaping details to be provided around the ground based equipment.

Comment

Both the decisions confirm that masts should not be allowed in the Green Belt unless there are very special circumstances that clearly outweigh the harm by reason of appropriateness and any other harm.

Although the mast at Comberton was allowed, this is on the basis that the approval for a nearby mast is revoked. In real terms, therefore, the Inspector has accepted that the proposal would have been inappropriate without such a requirement.

3. Appeals received

Ref. No.	Details	Date
S/0213/04/F	Mr J Heffernan 27 Hillside <u>Orwell</u> Extension to bungalow to form 2 storey dwelling (Delegated Refusal)	24/06/2004
S/0333/04/F	Dr & Mrs Sutcliffe 22 The Lane <u>Hauxton</u> Extensions (Delegated Refusal)	24/06/2004

S/0138/04/F	Mr & Mrs S Clemmow 6 Chapel Road <u>Great Eversden</u> Change garage roof from mono-pitch to pitched (Delegated Refusal)	21/06/2004
S/0297/04/F	J B Stiles & Partners Ltd Barn on Willow Grange Farm, Ely Road, Chittering <u>Cottenham</u> Conversion of barn into dwelling (Delegated Refusal)	25/06/2004
S/0492/04/F	Dr C Russo & Ms P Gillespie 34 Woodlands Park <u>Girton</u> Extension (Delegated Refusal)	12/07/2004
S/0494/04/LB	Mr & Mrs Stevenson 333 High Street <u>Cottenham</u> Internal and external alterations (Delegated Refusal)	12/07/2004
S/0466/04/F	Mr & Mrs North Clopton Lodge, The Cinques <u>Gamlingay</u> Appeal against condition 2 of permission - personal occupancy Condition (Delegated Approval)	08/07/2004
S/0453/04/F	Ms J White 65 Eland Way <u>Teversham</u> Shed (retrospective) (Delegated Refusal)	15/07/2004
S/0877/04/F	Mr & Mrs Ford 3 Woodlands Close <u>Great Shelford</u> Extensions and outbuilding (Delegated Refusal)	13/07/2004

4. Local Inquiry and Informal Hearing dates scheduled before the next meeting on 1st September 2004

Ref. No.	Details	Date/Time/Venue
E 502	Mr H Price Adj Moor Drove, Cottenham Road <u>Histon</u> Enforcement against: 1) Operational development by the laying of hardcore roads and Septic tanks.	10/08/2004 Council Chamber 10.00am

- 2) Material change of use of land from agriculture to the storage and residential use of caravans.
 3) Operational development by the installation of foul sewers and mains water and electricity.
 (Delegated Refusal)

5. Appeals withdrawn or postponed

Ref. No.	Details	Reason and Date
S/0022/04/F	Houston Crest Properties Landbeach Lakes, Ely Road <u>Waterbeach</u> Hotel	Withdrawn By Appellant 14/07/2004

6. Advance notification of future Local Inquiry and Informal Hearing dates (subject to postponement or cancellation)

E472A & B	M Ragnauth Setbroad Farm Oakington Road <u>Cottenham</u> Enforcement against unauthorized building works And construction of foundations of a dwelling (informal hearing)	02/09/2004 Confirmed
S/1934/03/F	Mr J Crickmore The Barn, Chesterton Fen Road <u>Milton</u> Change of use to tropical plant nursery comprising erection of 3 glasshouses, general purpose shed, alteration and extensions (Local Inquiry)	07/09/2004 Confirmed
S/1559/03/F	Taylor Woodrow Developments Off Chivers Way (Access off Kay Hitch Way) <u>Histon</u> 57 Dwellings (Informal Hearing)	03/11/2004 Confirmed
S/2624/03/F	Country Homes and Gardens Royston Garden Centre, Dunsbridge Turnpike <u>Shepreth</u> Variation of conditions 1, 2, 10, & 11 of S/1333/02 in respect of revised landscaping details (Informal Hearing)	09/11/2004 Confirmed
S/2089/03/F	Heddon Management Ltd 12 Pieces Lane <u>Waterbeach</u> 8 Houses (Informal Hearing)	30/11/2004 Confirmed

S/2194/03/F	Mr C Taylor 45 Spring Lane <u>Bassingbourn</u> Construction of raised decked area, path and sunken patio/lawn (part retrospective) (Informal Hearing)	11/01/2005 Confirmed
S/0682/95/O	Mr P. Stroude Home Farm <u>Longstanton</u> Variation of Condition 16 of Outline Planning Consent S/0682/95/O (to allow the construction of more than 500	25/01/2005 Confirmed
S/0019/04/F	Mr P Mansfield 29 Worcester Avenue <u>Hardwick</u> Change of use of land to garden land & extension to dwelling	08/03/2005 Offered/Accepted
S/0358/04/F	Dr & Mrs N Coleman Adj 33 Mill Hill <u>Weston Colville</u> (Delegated Refusal) Erection of house and garage and carport for existing dwelling	09/03/2005 Offered/Accepted