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# Appeal Decision

Site visit made on 4 May 2022

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 5 August 2022**

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**Appeal Ref: APP/R5510/W/22/3292326**

**Cherry Lane Cemetery, Shepiston Lane, West Drayton, Hillingdon,  
London UB7 9DL**

**Easting (x): 507950    Northing (y): 179055**

- 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 Cellnex UK Limited against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 35298/APP/2021/3325, dated 1 September 2021, was refused by notice dated 22 October 2021.
  - The development proposed is a 2.5m extension to the existing 22.5m lattice tower, the removal of six antennas and the installation of twelve antennas, twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes.
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## Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a 2.5m extension to the existing 22.5m lattice tower, the removal of six antennas and the installation of twelve antennas, twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes at Cherry Lane Cemetery, Shepiston Lane, West Drayton, Hillingdon, London UB7 9DL (Easting (x): 507950 Northing (y): 179055) in accordance with the terms of the application, Ref 35298/APP/2021/3325, dated 1 September 2021, and the plans submitted with it.

## Applications for costs

2. An application for an award of costs was made by Cellnex UK Limited against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

## Procedural Matters

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the Order), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require such proposals to be assessed on the basis of the proposal's siting and appearance, taking into account any representations received. The principle of the development is established by virtue of the Order. Furthermore, there is no requirement to

have regard to the policies of the development plan as there would be for any development requiring planning permission.

4. Nevertheless, Policy DMHB21 of Local Plan Part 2 (LP) is relevant to the siting and appearance of the proposal whilst the National Planning Policy Framework (the Framework) is also a material consideration. Together, they seek to minimise visual impact in siting and design terms and avoid detrimental effects upon visual amenity, character or appearance (the former) and the importance of supporting high quality communications, recognising the importance of high quality telecommunications infrastructure to economic growth and social well-being, encouraging the use of existing masts and the importance of sympathetic design (the latter).

### **Main Issue**

5. The main issue is the effect of the siting and appearance of the proposed development upon the character and appearance of the local area.

### **Reasons**

6. The appeal site is an existing telecommunications base station located within a wooded area close to the Cherry Lane Cemetery, to the north of Shepiston Lane and the cemetery itself. The existing installation comprises of a 22.5m high lattice mast which presently accommodates a range of antennae and transmission dishes on two separate headframes, within cabins and cabinets at ground level.
7. The proposed works include the removal of the existing headframe upon which the uppermost antennae are sited and the extension of the lattice mast. Within the extended mast area, the existing antennae would be re-sited and a further 6 antennae added.
8. Whilst the resulting mast extension, headframe and antennae array would increase the visual bulk of this element of the installation, it would not be as harmful or significant as the Council contend. Rather, the overall increase in the height of the mast plus the additional and replacement equipment would be limited and would not, in the context of the existing installation, result in a disproportionate increase in its overall height.
9. Furthermore, I am satisfied that neither the additional overall height nor the added bulk of the headframe and antennae would result in a materially or harmfully greater visual impact than the existing installation. Although only the ground level compound and lower portion of the existing tower are screened by the extensive ground-level trees and woodland areas around them, these areas nevertheless play an important role in softening the existing installation's overall visual and physical presence within what is an otherwise open and largely flat immediately surrounding area.
10. The existing lattice mast and antennae are already visible over a considerable distance from Stockley Road to the west, Shepiston Lane to the south and Pinkwell Lane to the east. However, intervening scrub vegetation in views from the former, and more pronounced landscape tree-planting in respect of views from the latter across the cemetery are such that views of the installation are readily intercepted and diffused. Moreover, dynamic views from surrounding roads taking account of a combination of scrub vegetation, trees and hedgerows and landscape planting, as well as buildings from Pinkwell Lane, are

glimpsed rather than dwelt upon, and in which context the effect of its siting and appearance is mitigated.

11. For these reasons, I am satisfied that the proposed development has been sited and designed in such a way as to minimise its visual impact. Whilst the local area around the appeal site is largely flat, open and devoid of tall structures, existing patterns of vegetation, woodland and landscape planting mitigate longer views of the installation, where the proposal's limited additional height and bulk would be neither visually harmful nor disproportionate and would not compromise the otherwise open character of the local area. In reaching this conclusion I have had due regard to Local Plan Part 2 (LP2) Policies DMEI4 and DMHB21, Local Plan Part 1 (LP1) Policy EM2, London Plan Policy G2 and to the relevant provisions of the Framework.
12. The Council has also raised the issue of the mast's Green Belt location. Under Class A of Part 16 of Schedule 2 of the Order, the only issues which can be considered in respect of a prior approval application for telecommunications equipment are its siting and appearance. Whilst the refusal reason makes reference to the open character of the surrounding Green Belt area, it stops short of the officer report's assessment of stating that the proposal amounts to inappropriate development in the Green Belt. However, in any event and for the reasons I have set out, the principle of the development and such Green Belt matters are not relevant to my determination of the matter before me.

### **Conditions**

13. The Council has submitted two suggested conditions in the event that the appeal should succeed, those being what is referred to as 'standard time limit' and plans conditions. No specific reference to the time period is made in the suggestion however, other than reference to the 'standard time limit'.
14. The Order sets out a range of conditions applicable to applications such as the one before me, and which the Council's suggested conditions largely replicate those set out at paragraphs A.3(9) and A.3(11). It is not necessary for me to impose any additional conditions beyond those set out in the Order.

### **Conclusion**

15. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be allowed and prior approval granted, subject to the conditions set out within the Order.

*G Robbie*

INSPECTOR