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## Appeal Decision

Site visit made on 21 February 2022

**by John Felgate BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities**

**Decision date: 16 March 2022**

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### **Appeal Ref: APP/K1935/W/21/3281055**

#### **Land at Fishers Green Road, Stevenage, Herts**

- 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 CK Hutchinson Networks (UK) Ltd against the decision of Stevenage Borough Council.
  - The application Ref 21/00638/PATELE, dated 30 May 2021, was refused by notice dated 19 July 2021.
  - The development proposed is described as "Proposed 18.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works".
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### **Decision**

1. The appeal is allowed, and prior 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 the siting and appearance of an 18.0m Phase 8 monopole with wraparound cabinet at the base and associated ancillary works, on land at Fishers Green Road, Stevenage, Herts, in accordance with the terms of the application, Ref 21/00638/PATELE, dated 30 May 2021, and the plans submitted with it.

### **Clarification**

2. In the application documents, the site location is stated as Corton Close, Fishers Green. However, as I saw on my visit, the road name signs that exist on the ground differ from those shown on most maps of the area. For the avoidance of doubt, the proposed site is adjacent to Fishers Green Road, and a short distance to the west of its junction with Sheringham Avenue, which leads to Corton Close.

### **Procedural matter**

3. The appeal site lies within Fishers Green Common, where development or other works may be subject to the provisions of the Commons Acts of 1876 and 2006. However, the present appeal is concerned only with the application made under the Town and Country Planning Act 1990, as set out above. Any approvals or consents which may be required under Commons legislation would be a separate matter, and my decision does not confer any such other approval or consent.

## **Main issues**

4. The main issues in the appeal are the effects of the proposed development on the area's character and appearance, and on the site's archaeological interest.

## **Reasons for decision**

### *Character and appearance*

5. The National Planning Policy framework (the NPPF) advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that the expansion of electronic communications networks should be supported (paragraph 114). Whilst the number of masts and installations should be kept to a minimum, the degree of control should be consistent with the needs of consumers, the efficient operation of the network, and providing sufficient capacity for future expansion (paragraph 115).
6. The appeal site is within the built up area of Fishers Green, a residential suburb of Stevenage New Town. The proposed mast and cabinets would be sited on the north side of Fishers Green Road, and on the edge of Fishers Green Common.
7. Fishers Green Road is a modern distributor road serving the wider area, with housing fronting onto its southern side, and the access road into Sheringham Avenue and Corton Close opposite. The road itself has kerbs, footways, verges, lighting, a bus shelter, traffic signs, speed humps, lane markings, yellow lines and other urban paraphernalia. As a result of these features, Fishers Green Road seems to me entirely urban in character.
8. Fishers Green Common is a public open space, comprising mainly flat, open grassland. The Common is bounded on two sides by Fishers Green Road, and on the others by the backs of houses in Sheringham Avenue and other residential roads. On these latter two sides there are intermittent tree belts, through which the housing is visible. There is no other significant vegetation. The Common is crossed by two tarmac footways, which have seating, lighting, bollards and signage. At the western boundary, these paths converge and continue under Fishers Green Road, through an underpass with concrete retaining walls topped by steel barriers. Again, as a result of these features, the character of Fishers Green Common is essentially urban.
9. I appreciate that the Common is a well-used and locally important open space, and is designated as part of a Green Link. There is no doubt that the proposed mast would be clearly seen from most parts of it. The mast would also be seen from a substantial length of Fishers Green Road, north of its junction with Symonds Green Road. But nevertheless, given the urban character of this area as a whole, including both the road and the Common, the development now proposed would not appear out of place in these surroundings.
10. I note the Council's comments regarding the mast's height and alleged bulk. But in my view these criticisms are unfounded. The proposed design would involve a slim pole, topped by three relatively small antennae, contained within a headframe, and a GPS module, all of which would have a diameter no more than about twice that of the supporting pole itself. To my mind this would have a neat and streamlined appearance. There is no suggestion that, within the

constraints of the available technology, the size or mass of this equipment could be further reduced. The Council accepts that the height of 18 m is less than that of many other new 5G installations; the appellants' evidence, that this is the minimum height for technical reasons, has not been challenged.

11. The suggestion that the siting of the development would lead to a reduction in the usage of the Common seems to be based on concerns about possible public health issues. But the appeal proposal is supported by a declaration that the development would comply with the relevant guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). There is no evidence to the contrary. The National Planning Policy Framework (the NPPF) makes it clear that where such a declaration has been made, it should not normally be necessary to consider health issues further. On the evidence before me therefore, there is no reason to anticipate any adverse health effects. In any event, I am satisfied that the Common's recreational value would be unaffected.
12. The Council accepts the need for the development, to ensure 5G coverage in the surrounding area. The appellants' evidence demonstrates that a significant number of alternative sites have been considered but were all found to be less suitable than the present appeal site. No other preferable alternatives have been identified by any party. Given that none of the Council's objections to the appeal site have been substantiated, I can see no reason why the search should need to be extended.
13. For these reasons, I conclude that the proposed development would cause no material harm to the area's character or appearance. In this respect, it would comply with the relevant provisions of Policies GD1 or SP8 of the Stevenage Borough Local Plan (the SBLP), adopted in May 2019, which amongst other things seek to protect the quality of the local environment. Nor would there be any conflict with SBLP Policy NH4, which protects the designated Green Links.

#### *Archaeology*

14. The appeal site lies within an Area of Archaeological Significance (AAS), which is protected by SBLP Policy NH9. However, the Council acknowledges that small-scale developments and minor works are often likely to pose no threat to any archaeological remains. In the present case, the proposed development would have a very small footprint, of no more than a few square metres. Apart from the mast itself, it seems unlikely that any of the other proposed equipment would require more than shallow foundations. As such, the impact on the AAS as a whole would be negligible.
15. The appeal site forms part of a low embankment which appears to have been created when Fishers Green Road was laid out on its present alignment, at around the time of the New Town development. The site is directly adjacent to the existing footway, which would have been constructed as part of the same highway works. As such, it seems probable that the site would have been already heavily disturbed in the fairly recent past, and therefore the potential for any surviving archaeological remains in that part of the AAS seems likely to be low.
16. I therefore conclude that the development would involve little risk of any harm to the archaeological interest of the AAS. Consequently, I find no significant conflict with the aims of Policy NH9.

*Other matters*

17. I note that air ambulances pass over the area, en-route to the Lister Hospital, but it seems unlikely that they would fly as low as 18m in this location, especially as there are tall trees nearby. There is therefore no apparent evidence that the development would be a hazard to air traffic, and no need for the mast to be lit. In any event, there is no provision in the relevant legislation for conditions to be imposed on a prior approval under Class A of Part 16, other than the standard conditions which are deemed to be imposed by virtue of paragraphs A2 and A3<sup>1</sup>.
18. The concerns expressed about vandalism are noted, but this possibility does not outweigh the need for full 5G coverage.

**Conclusion**

19. For the reasons set out above, I have found that the proposed development would cause no significant adverse effects on the area's character or appearance, nor on its archaeology. In these respects, the appeal proposal would comply with the relevant policies of the development plan. Having taken account of all the other matters raised, none changes or outweighs these conclusions. The appeal is therefore allowed.

*J Felgate*

INSPECTOR

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<sup>1</sup> As set out more fully in Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015