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# Appeal Decision

Site visit made on 24 July 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 8 August 2017

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**Appeal Ref: APP/P1425/W/17/3171100**

**Highway grass verge, A259 Buckle Bypass, Seaford, East Sussex BN25**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Telefonica UK Ltd against the decision of Lewes District Council.
  - The application Ref LW/16/0753, dated 30 August 2016, was refused by notice dated 3 November 2016.
  - The development proposed is the erection of 1 No. 15 m Elara streetpole, 2 No. equipment cabinets and 3 No. antennas on streetpole.
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## Decision

1. The appeal is allowed and approval is granted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of 1 No. 15 m Elara streetpole, 2 No. equipment cabinets and 3 No. antennas on streetpole on the highway grass verge, A259 Buckle Bypass, Seaford, East Sussex BN25, in accordance with the terms of the application, Ref LW/16/0753, dated 30 August 2016, subject to the following conditions:
  - 1) The development hereby approved shall be carried out in accordance with the following approved plans: Site Location Maps 100 Issue B, Proposed Site Plan 200 Issue B, Proposed Site Elevation 300 Issue B.
  - 2) No other part of the development hereby approved shall be carried out until a parking space has been provided in accordance with details submitted to and approved in writing by the local planning authority. The space shall thereafter be retained at all times and shall not be used other than for the parking of motor vehicles.
  - 3) The development hereby approved shall not be carried out until full details of the colour specification of the streetpole, equipment cabinets and antennas have been submitted to and approved in writing by the local planning authority. The development shall then be carried out strictly in accordance with the approved details and maintained thereafter.

## Main Issue

2. The proposal is permitted development under Part 16 Class A of the 2015 Order but prior approval is required for its siting and appearance under paragraph A.3(3). The main issue is therefore the effect of the proposal on the character and appearance of the area and the outlook of nearby residents.

## Reasons

### *Character, appearance and outlook of nearby residents*

3. The proposal is for a new telecommunications base station including a 15 m high Elara streetpole with three antennas together with two equipment cabinets adjacent to the pole, one on each side, and a vehicle lay-by. The base station is needed to address the current lack of 4G connectivity in the Seaford area which affects residents, businesses, visitors and those passing through the town. The streetpole would be the shortest, slimmest and least intrusive possible to achieve the necessary coverage from the chosen site.
4. The proposed location for the base station is on the grass verge on the northern side of the A259 Buckle Bypass as it passes through Seaford. Although the bypass is within the built up area of the town, for a long stretch there is no frontage development on either side as it runs firstly in cutting and then on an embankment when gaining height from the junction with Marine Parade to the west until it levels off and runs alongside Kingsway.
5. The proposed site would be towards the top of this rising section of the bypass roughly where the cutting gives way to the embankment. It would be opposite Hawth Place, a cul-de-sac of bungalows to the south, from where it would be visible breaching the skyline but not excessively intrusive being some distance away on the other side of the road. The nearest bungalows face each other rather than the bypass and consequently their outlook would not be directly affected by the streetpole.
6. On the northern side of the road the base station would be sited alongside a number of roadside trees and bushes which line the road and run behind the rear boundaries of the bungalows on the south west side of Princess Drive. According to the appellant these trees are about 8 m high<sup>1</sup>, in which case about 7 m of the 15 m streetpole would be visible above the trees from the north. The top of the pole would therefore be clearly seen breaching the skyline from the rear living room windows and back gardens of several bungalows in Princess Drive. The pole would also be seen from the road between and behind the bungalows, but given the distance away, the intervening properties and street context would not be unduly intrusive in such views.
7. The number of bungalows on Princess Drive significantly affected<sup>2</sup> would be relatively small and their back gardens are quite deep, reducing the visual impact of the pole when seen from the windows. However, there is no doubt that the proposal would adversely affect the outlook from several properties in Princess Drive and their occupiers would understandably be aggrieved. This factor therefore weighs against the appeal.
8. The base station with its 15 m streetpole and equipment cabinets would also be readily apparent to users of the bypass, with regular users passing it often. Sited a few metres from the carriageway edge, the streetpole would breach the skyline when approaching from either direction but would be associated with the roadside trees and bushes, and for those approaching from the west the bottom of the pole would be screened by a group of trees growing out from the side of the cutting over the verge. The installation would not therefore appear

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<sup>1</sup> Proposed site elevation drawing 300 Issue B

<sup>2</sup> Primarily the even numbered properties centred on Nos 16 and 18

- completely isolated, despite the lack of lighting columns and other street furniture along the bypass for some distance either side.
9. In any event, road users are familiar with ubiquitous street furniture on the roadside and would not be surprised or offended by an installation of a type commonly seen in similar locations. Within the built up area of Seaford, on one side of the Buckle Bypass, the sight of a base station would not be unexpected. The installation would be coloured to minimise its visual impact, and once in place would soon become an accepted and settled part of the street scene.
  10. The appellant has supplied details of several alternative sites in Seaford that have been investigated but neither the Council nor Town Council have put forward any suggestions as to a better alternative. With the town surrounded by the South Downs National Park and mainly comprising attractive residential areas the options for locating the required installation are limited.
  11. For technical reasons an installation on lower ground would involve a taller mast and/or achieve less coverage. Sites to the north, whilst higher, would fall within or be clearly visible from the national park, whilst to the north east no suitable sites have been identified within the built up area. There are few tall buildings, structures, industrial or commercial areas in the town where telecommunications apparatus are often located. It is not surprising therefore that the search for sites has concentrated on the Buckle Bypass.
  12. Previously applications have been made for sites further to the east where the bypass levels out and runs alongside Kingsway. In the early 2000s a site close to 19 Kingsway was dismissed on appeal and in 2007 a site near Birling Close was allowed on appeal but not implemented. In 2016 the latest application near Dukes Close was refused by the Council leading to informal discussions that resulted in officer support for the current proposal. Full details of these proposals have not been provided but the officer report to committee states that the current site is less prominent than the previous locations and would have significantly less impact on the visual amenities of the area.
  13. Advanced, high quality communications infrastructure is essential for economic growth locally and is strongly supported by national policy<sup>3</sup>. The Seaford area currently suffers from poor 4G coverage and demand from users is rising rapidly. Additional capacity in the area would be of substantial benefit for a large number of people and this must be balanced against the visual impact of the installation on the character and appearance of the area and the impact on the outlook of nearby residents. The proposal would have an adverse effect, breaching the skyline and being visible along the bypass and over part of the town. More importantly, it would affect the outlook from the rear facing windows and gardens of the nearest bungalows in Princess Drive, affecting the enjoyment of these properties by their occupiers. However, on balance, the need for the development, its siting in an optimum position along the bypass and the lack of suitable alternative sites outweigh these concerns.
  14. The proposal would therefore comply with Policies ST3 and T16 of the Lewes District Local Plan 2003 which require telecommunications development to respect the local area and minimise any adverse impact on the appearance and amenity of its surroundings, taking account of technical and operational requirements. It would also be consistent with Core Policy 4 of the Lewes Joint

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<sup>3</sup> National Planning Policy Framework paragraphs 42-46

Core Strategy 2016 which seeks to promote high speed e-communications and IT infrastructure to encourage economic development.

*Other matters*

15. A series of other objections have been raised against the proposal. These include disruption and danger to passing traffic during construction and maintenance, alleged health risks, impact on property values and conflict with utility services in the verge. However, no objections have been raised by the highway authority on highway safety grounds and base stations are designed to meet very strict standards to ensure there is no danger to public health. Property values are not a determining factor in themselves. Finally, the developer would be responsible for resolving any conflicts with roadside services and ensuring the safe construction and operation of the installation.
16. In addition to the standard conditions imposed by the 2015 Order, the Council seek two conditions which are not disputed by the appellant. Conditions are necessary to ensure that the parking space is provided before the remainder of the development goes ahead and for the colour specification of the installation to be approved by the local planning authority to ensure the satisfactory appearance of the development. In addition, a condition is necessary to define the plans which have been approved in the interests of certainty.

**Conclusion**

17. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR