

Appellant reference: KDB/MBNL/27873APPEAL

LPA application reference: PN/25/99280

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) ORDER 2015**

Appeal Statement

**On behalf of Mobile Broadband Network Limited, EE Ltd and H3G
UK Ltd.**

July 2025

A planning appeal by written representation against the decision of Eastleigh Borough Council to refuse Prior Approval for the installation of replacement telecommunications apparatus on the pavement at Drummond Road, Shamblehurst, Hedge End, Eastleigh, Hampshire, SO30 2AH

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1.0 Introduction

- 1.1 This statement has been prepared by Dot Surveying Limited as agent, acting on behalf of MBNL (a joint venture, handling all telecom property issues for the mobile phone operators EE Ltd and H3G (UK) Ltd), the Appellant. The mobile operators will be referred to individually, where necessary. The appeal is brought by the Appellant against the refusal by Eastleigh Borough Council of Prior Approval for the proposed deployment of a streetworks monopole and associated apparatus on the pavement at Drummond Road SW, Shamblehurst, Hedge End, Eastleigh, Hampshire, SO30 2AH ("the Appeal site").
- 1.2 Planning permission for such development is granted by the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (Part 16 of Schedule 2), subject to a condition requiring the approval of the Local Planning Authority for matters relating to siting and appearance.
- 1.3 On the 24th April 2024, the Appellant, via their agent (Dot Surveying Limited), submitted an application to the Local Authority (Eastleigh Borough Council) for Prior Approval to install a 20m Streetworks monopole supporting 2No.0.3m dishes, and 6No antennae at a height of 16.32m and 19.52m, respectively. Additionally, a GPS node will be installed on top of the monopole, along with four cabinets at ground level. Ancillary equipment, as shown in the attached drawings, will also be installed. The proposed telecommunications installation will replace a nearby site, to provide the local area with 2G/4G and 5G network services.
- 1.4 The application was decided via delegated powers, and by notice dated 23rd May 2025, the Local Authority confirmed that the application for Prior Approval was required and refused for the following reasons:

"1. The proposed telecommunications monopole, by reason of its height, siting, and utilitarian design, would appear as an incongruous and dominant feature within the street scene. It would be significantly taller and bulkier than existing street furniture, visually prominent from nearby public vantage points, and would not be effectively screened or integrated into its surroundings. The proposal would cause demonstrable harm to the open and uncluttered character of Drummond Road, contrary to Policies DM1 and DM9 of the Eastleigh Borough Local Plan 2016– 2036, the Quality Places SPD, and the National Planning Policy Framework which require development to respond positively to local character and be sympathetically designed.

2. The proposed installation, including the monopole and associated cabinets, would result in a narrowing of the shared pedestrian and cycle path on Drummond Road, close to a junction and a well-used community facility. This would create a pinch point, obstruct visibility, and compromise the safe and convenient movement of pedestrians and cyclists. The development is therefore considered to result in unacceptable harm to highway and pedestrian safety, contrary to Policy DM13 of the Eastleigh Borough Local Plan 2016–2036 and guidance in the National Planning Policy Framework promoting safe and accessible movement within the public realm.

3. The proposed monopole would be prominently sited in front of a community centre which accommodates a nursery facility. While the development complies with public health exposure guidelines, its appearance and perceived health risks are likely to generate fear and anxiety among parents and users. This would discourage attendance, reduce nursery income, and diminish the financial viability of the centre, impacting the income stream of the Town Council. As such, the proposal would have an adverse impact on local economic development, contrary to the economic growth objectives of Policy S4 of the Eastleigh Borough Local Plan 2016–2036 and the National Planning Policy Framework.”

(A copy of the Officer’s Report on the prior approval application is provided at Appendix 2 and the Refusal Notice is provided in Appendix 3).

- 1.5 The proposed telecommunications installation is required to replace a nearby site, which is due to be removed, the site owner having served a notice to quit on the Appellant.
- 1.6 The Appellant submits that the Local Authority’s decision to refuse the application for Prior Approval is based on a misunderstanding of the quality of evidence submitted with the application for prior approval, which did contain details of the search area and provided evidence relating to alternative sites considered and discounted, with a justification why they were not deemed appropriate for a replacement installation. As a result, we do not consider the Planning Officer has provided a fair and reasonable balance between the appearance of the development in the street scene against the policy support for the facility to provide appropriate network coverage, along with the benefits that such connectivity will bring to the local community, in the public interest. As a result, we conclude the appearance of the proposed development is acceptable in this location. This statement will provide background information about the Operators’ networks and their requirements for the proposed development at the appeal site. It will assess the appeal proposal against planning statute and policy and will demonstrate that approval should have been granted.

2.0 Background Information

- 2.1 The UK Government recognised the value of secure digital infrastructure networks to the UK economy and set out a vision for enabling the benefits of £159 billion additional GDP value by 2035 through the [Digital Strategy](#), (04/10/2022), the [UK Wireless Infrastructure Strategy](#) (11/04/2023) and the [Building Broadband and Mobile Infrastructure](#) (22/03/2024) reports. Furthermore, the UK Government, within the Building Broadband and Mobile Infrastructure report, identifies the wide availability of high-speed broadband and mobile connectivity as a central part of the government's National Infrastructure Strategy. The government has a target that gigabit broadband 'standalone' 5G will be available, virtually nationwide, by 2030.
- 2.2 To achieve this and remove hurdles to the deployment the Government have consistently revised the General Permitted Development Order, to provide for taller structures, in line with the physical requirements stemming from the additional frequencies used by each new generation of radio network and better able to propagate the radio signals. The current version provides planning consent for the proposed development, subject to conditions requiring the prior approval of the Local Planning Authority¹ in relation to siting and appearance; minimising the visual impact of the development and removing the apparatus when it becomes redundant. Planning permission having been granted by the Order, it is only siting and appearance issues that provide an Authority with rights to exercise control over the development.
- 2.3 In this case the proposal comprises the erection of a 20m mast and associated cabinets and cabling, to replace an existing cell site, attached to Southampton ASC, Hamilton Business Park, Botley Road, Hedge End, Southampton, Hampshire, SO30 2JH, at a height of 30+ meters. The Operators have received notice from the owner to vacate the premises as the site is being decommissioned.
- 2.4 With duties to provide (and maintain) radio network coverage under the terms of their operating licence, the Operators have a need to replace the infrastructure so that network coverage and capacity across this area of Shamblehurst is retained. The proposed replacement (The Appeal Site) was identified following an extensive search of the surrounding area. The telecommunications equipment at Southampton ASC stands at some 30+ metres above the ground and due to the height afforded by the mast and extensive coverage area that will be lost once decommissioned, two additional telecommunications sites will be needed to replace the radio coverage provided from this elevated location. The first of two sites involves deploying a 20m streetworks telecommunications installation located on Herald Road (E: 448625 N: 114106). (That site was granted planning permission by the General Permitted Development Order; the Planning Authority were notified of the operator's intention to erect the mast and our understanding is that the mast has been installed and is operational.) That site will provide coverage that was lost towards the South-West of the Southampton ASC (NTQ)

¹ The Town & Country Planning (General Permitted Development) (England) Order 2015 as amended, Clause A.3(4)

site. This site is designed to provide coverage to the North-East of the Southampton ASC (NTQ) site.

- 2.5 The Site-Specific Supplementary Information document that accompanied the application for prior approval, outlined the attempts to find a suitable replacement (see page 20 of Appendix 1). The appeal site was selected after all these possible sites in the vicinity had been assessed against operational requirement, acquisition, health & safety and town & country planning criteria. It was considered to be the most appropriate solution, the reasons of which are outlined within the Supplementary Information document and further considered within this Statement.
- 2.6 The crucial element for this appeal is understanding and achieving the balance between the public benefit of appropriate quality of network provision and the public benefit of safeguarding the character and appearance of the landscape, particularly in this sensitive urban environment.

3.0 Sequential Approach to Site Selection

- 3.1 This section outlines the site selection process in mostly generic terms, relating to town & country planning issues. The additional report forming part of this appeal shows how this work was considered against a wider set of constraints and delivered in relation to this particular site.
- 3.2 To identify an alternative site, providing similar or enhanced 4/5G radio coverage, a sequential approach was adopted, as recommended by the National Planning Policy Framework (NPPF). Firstly, consideration is given to sharing any existing telecommunication structures in the immediate area, followed by the use of any suitable existing structures or buildings and finally, if neither of these are suitable or available, the identification of suitable locations for a new, free-standing (ground-based) installation.

The sequential approach is outlined below:

- a) Mast and site sharing an existing telecom installation
 - b) Existing buildings or structures
 - c) New ground based installations
- 3.3 A desktop survey was initially completed before making a physical inspection of the area. During this process, no mast/site sharing opportunities or existing buildings/structures were identified in the search area. Therefore, a new ground-based installation was sought.
- 3.4 Owing to the constraints of the search area and general makeup of the locality, a free-standing telecommunications pole with associated ground-based cabinets was considered to be the most appropriate solution and in the right location, would balance the operational requirements of EE Ltd and H3G UK Ltd with the visual impact of the required structure upon the surrounding area.

- 3.5 Following the desktop analysis and physical search of the intended target/search area, a proposed location was identified on the grounds of Drummond Road SW, Shamblehurst, Hedge End, Eastleigh, Hampshire, SO30 2AH - please refer to drawing number

- 30000190_ELH085_27873_SO1390_M001 150 Proposed Site Plan

The drawing-pinpoints the exact location-and layout of the site. It is this location which forms the basis of the appeal.

- 3.6 During the site search process, seven alternative locations were considered (see Appendix 1, page 11). Figure 7 (below) includes a map of the designated target/search area. The black line oval illustrates the proposed coverage area; however, the yellow line more accurately represents the residential area, most in need of coverage.

- 3.7 In terms of other existing buildings that were considered, it should be noted that some buildings are unsuitable to host telecommunications apparatus. Pitched roofs are generally unsuitable for mounting antennas. Steel portal framed buildings, clad with sheeting are often inappropriate. The frame can be used but creating holes in the cladding often creates issues with water penetration. Particularly large buildings also create difficulties. Their size creates a 'radio shadow' restricting coverage around the sides of the building, limiting the propagation of the radio signal much like the shape of an umbrella. All of these factors were taken into account when considering potential existing structures in the Shamblehurst area.

Figure 1 – Proposed Site Plan

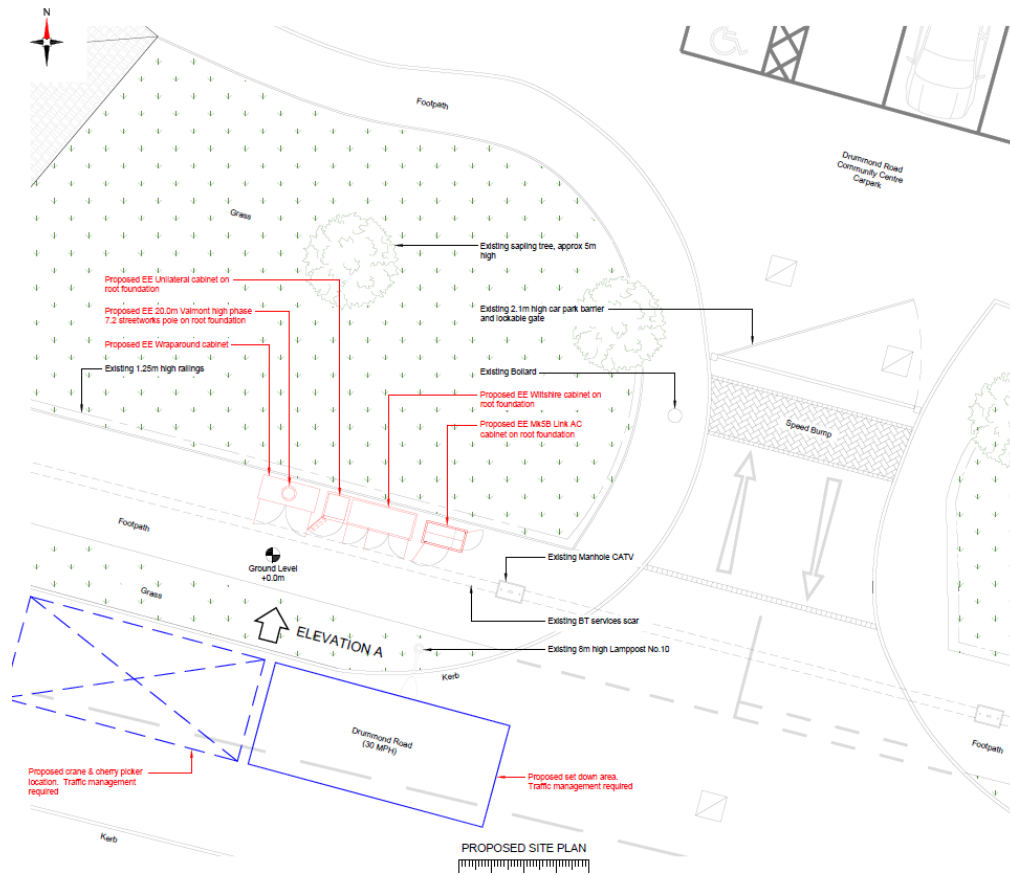
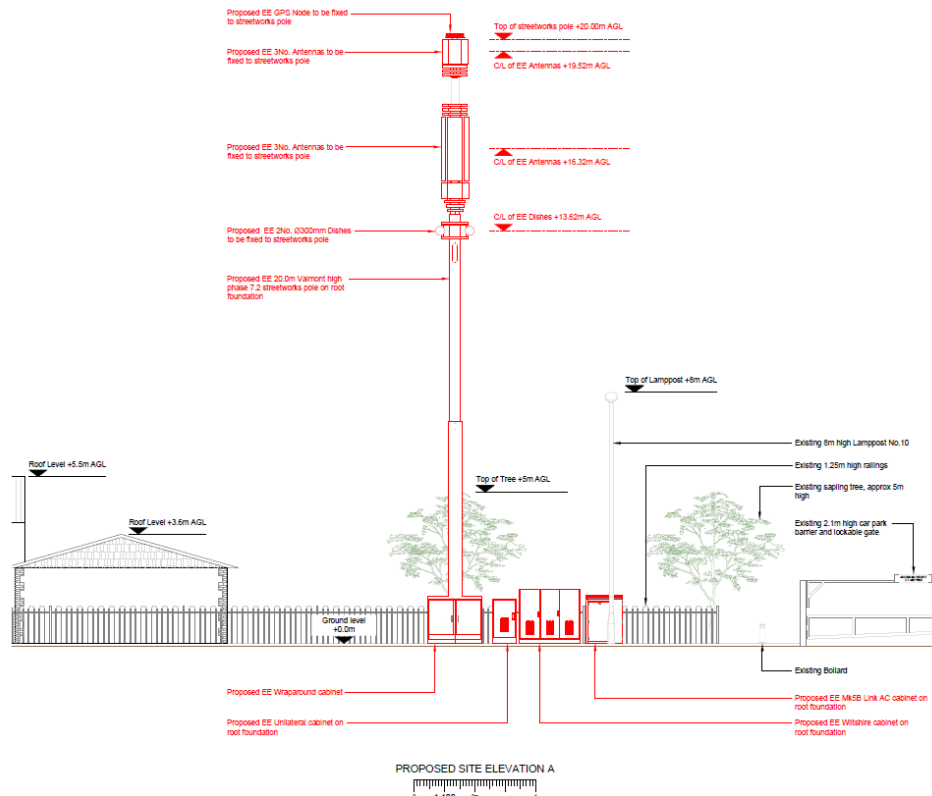


Figure 2 – Proposed Site Elevation



4.0 Siting

- 4.1 The overarching concern for network infrastructure is to be in the right place, in order to work efficiently and effectively with other sites on the wider network. To retain the network coverage and capacity that will be lost when the existing telecommunications structure is removed, the radio planner (the person with ultimate responsibility for building and managing the telecommunications network) provided a search area for the deployment of a suitable new installation. Figure 3 (below) shows the proximity between the existing and proposed site, which stand at approximately 500m apart. Figure 3 also shows the position of the second replacement site on Herald Road, as previously referenced.
- 4.2 Figures 4, 5 and 6 show the radio signal coverage plots and provide an indication of current network coverage, the gap in the network when the Notice to Quit site is removed and the anticipated coverage that the proposed mast will provide and how it fits into the network. It should be noted that the parameters on these plots have been set at a level to assist a network planner completing their work. Radio signals may propagate further than shown or less far, depending upon items (such as trees and buildings) that will interfere with or attenuate the radio signal (commonly known as ‘clutter’).

Figure 3 – An image indicating the location of the proposed site to replace the existing site, extract taken from Grid Reference Finder



Figure 4 – Coverage Provided by the Telecoms Site located at Southampton ASC (Notice to Quit Site).

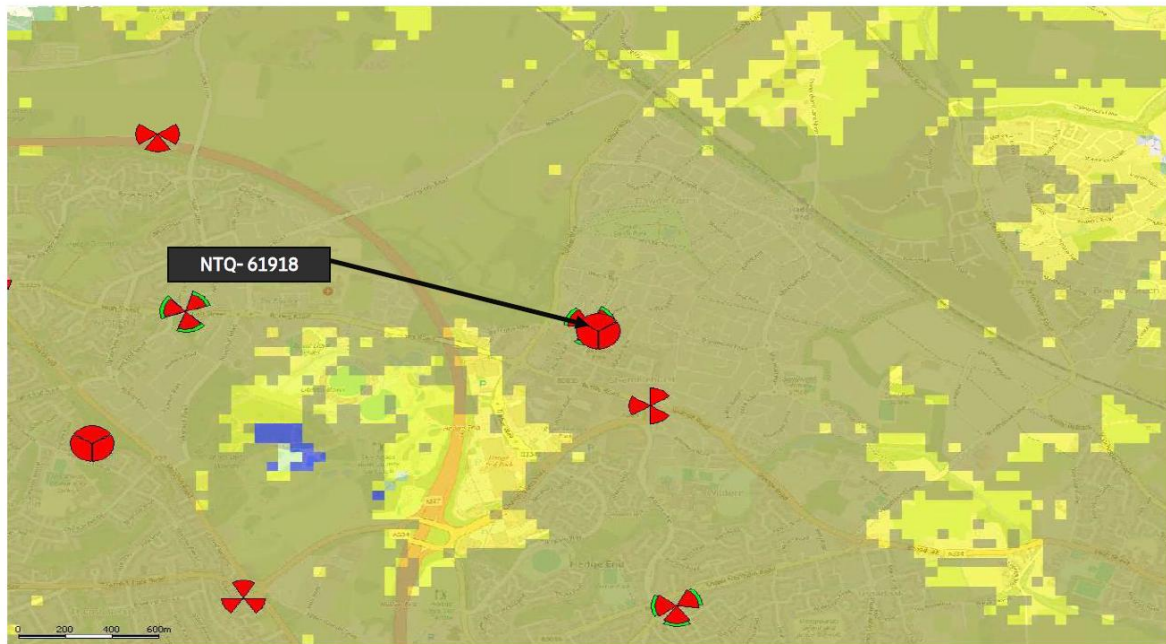


Figure 5 – Predicted Gap in Coverage if the Existing Telecoms Site is not Replaced.

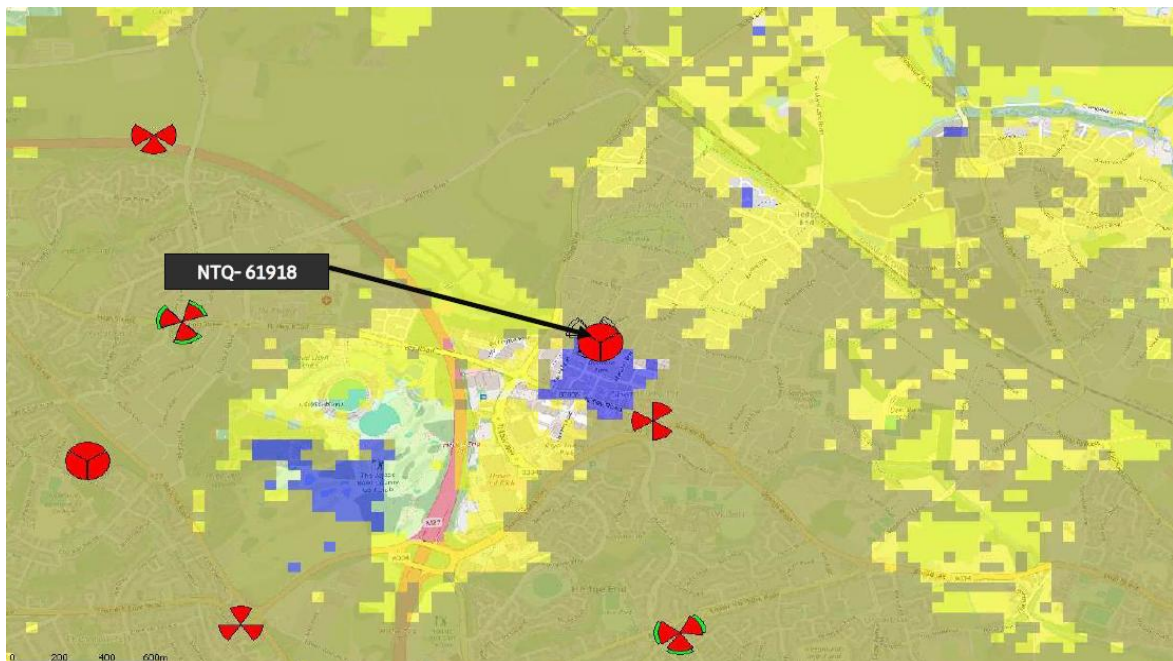


Figure 6 – Predicted Coverage Provided with the Two Proposed Replacement Sites (Herald Road and the Appeal Site – Drummond Road).

Figure 7 - Search Area for Replacement Mast

A map of the Sharnbrook area in Northamptonshire, UK. The map shows residential streets, green spaces, and landmarks. A red pin marks a location on Botley Road. A black oval highlights a search area in the center of the map, near Dowd Farm and Hedge End. A yellow oval highlights a larger area to the east of the black oval, near Hedge End and Berrywood Primary School. The map includes labels for roads such as Botley Road, Grange Road, and Hedge End. It also shows parks like Dowd Farm, Hedge End Park, and Berrywood Primary School. A red pin is located on Botley Road, near the intersection with Grange Road. A black oval is drawn around a residential area in the center of the map, and a yellow oval is drawn around a larger area to the east of the black oval.

- 4.3 As illustrated in Figure 5, the primary gap in coverage lies to the north-east of the NTQ site, spanning the residential area of Shamblehurst. As previously outlined, two sites have been identified to effectively replace the lost coverage: the first at Herald Road, which addresses the gap to the south-west and the proposed site at Drummond Road, which covers the north-eastern shortfall. Figure 6 demonstrates how the combined coverage from these two sites will fill the existing gap, ensure continuity of service while also enhancing overall coverage and enabling 5G provision in the local area. Any replacement site must be selected to maximise network efficiency—minimising both overlap between cells and coverage gaps. To achieve this, and to adequately compensate for the decommissioning of the existing mast, a radio planner defined a targeted search area for a new installation. Due to the technical and environmental constraints involved, this area is necessarily limited in size and is shown within the black oval in Figure 7.
- 4.4 By using the Herald Road site and the Drummond Road site, the gap in the network caused by the loss of the Southampton ASC (NTQ) site has effectively been replaced with the minimum number of masts. An alternative site to Drummond Road may not be able close this gap so effectively, giving rise to the need for a third site, to fill any remaining areas not properly covered. This would be contrary to the planning policy objective to prevent the proliferation of masts, so while it could be argued that such an alternative site or sites may be better than Drummond Road, in terms of siting and appearance, in the context of the wider network, they would be contrary to this Policy objective.
- 4.5 The primary reasons for concentrating in this search area include: -
- Network. The surrounding sites change on an infrequent basis, for similar reasons providing the need for this mast. The interaction between network cells changes with location and technology (network generations and radio frequencies deployed).
 - Frequency. The ability of radio signals to penetrate or pass through obstacles between the antenna on the mast and the antenna on the mobile phone handset or receiving item is significantly influenced by the frequency of the radio signals. The frequency also affects the capacity of the signal to carry data. The higher the frequency, the greater capacity but the lower the reach and more likely for the signal to be interrupted. 4G and 5G networks work at both the same but also higher frequencies than previous generations, meaning that the antennas generally have to be higher than they used to be, to allow the signal to clear more obstacles and propagate more effectively. (This forms part of the reason why the height allowance of planning permission granted by the GPDO has increased from initially 15m, in the 1995 version, to the current 30m.)
 - Existing infrastructure. A fibre cable nearby, to connect the site into the network will be of assistance in ensuring a suitable connection and minimising costs. Equally, a suitable-looking site can quickly be found to be inappropriate if existing cables and pipes run underground in the vicinity.
 - Suitable ground area. An area of land has been identified to host our proposed development. In this case, it is the pavement, as shown in Figure 8.

- Character of the Area. Related to appearance, it is important that the site takes account of any designations and areas or properties of significance, in planning terms.

4.6 The need for this site arises from the Notice to Quit (NTQ) which has been received in respect of the existing site. Our selected replacement site on the pavement of Drummond Road has been chosen based on technical assessments demonstrating that it will effectively fill the required coverage gap. The location within a specific cell, affects other cells nearby in which, if not designed or placed in the correct location, will leave gaps and overlaps in the radio network.

4.7 Nevertheless, whilst there is a need for this site, Planning Policy Guidance within the National Planning Policy Framework (paragraph 123) says:

“Local planning authorities must determine applications on planning grounds only. They should not...question the need for an electronic communications system...”

4.8 The need for the proposed installations stem from the Operator’s requirement to provide a replacement installation. The Operator has statutory, guidance and commitment constraints which regulates their deployment of sites and apparatus. The Planning Authority have no knowledge of the existing network or the technical tools to assess the radio coverage provided by the neighbouring sites. They do not possess the evidence to query where proposed telecom sites are needed and have clear guidance confirming it is not for them to question the need for the new installation, in any case.

4.9 This site has been identified as the most suitable and viable location within the defined search area, following a thorough and systematic site selection process. The diligence and robustness of this assessment is confirmed by surveyors and radio planners.

4.10 We are aware that the proposed location is situated near a Community Centre and a Pre-School, which has been the focal point of several concerns raised during consultation and documented within the officer’s report. However, it is important to emphasise that the need for improved mobile coverage in this area is both genuine and pressing. This is supported by feedback from local residents themselves, including one comment acknowledging that “EE and 3 network is very poor in the Grange Park area, so this work will hopefully improve the network services around this location.” The proposed mast will not only restore lost coverage but also enhance connectivity by enabling the rollout of 5G, delivering faster and more reliable service to the area.

4.11 Given the limited number of viable alternatives and the technical constraints of the area, this site represents the optimal balance between meeting essential service requirements and minimising impact. It is, in our view, the best-positioned the only location within the restricted search zone to deliver improved mobile connectivity to the local community.

4.12 The proposed facility will integrate into the radio network without gaps in coverage, which would otherwise create a need to introduce further base stations to the surrounding cell search area.

- 4.13 Choosing a different location, especially one with greater technical limitations, could lead to the need for additional infrastructure to achieve the same coverage. Similarly, reducing the height of the proposed structure would compromise its effectiveness, as the radio signal from lower antennas would be more compromised by the ‘clutter’ of trees and buildings between the mast and the handset/device receiving/sending signals. Again, this would be likely to necessitate additional sites or equipment to compensate for the resultant coverage gaps.
- 4.14 One of the objections received claims that the proposed site is "inappropriate" and alleges that it was selected by a company using a mapping database from an office in the West Midlands, with little regard for local impact or awareness of the site's prominence to community users. This assertion is both inaccurate and misleading. Site selection is not undertaken remotely or arbitrarily. In reality, we employ a specialised acquisition and surveying team with in-depth industry experience, who physically visit and assess each proposed location. The process includes a comprehensive site search, which evaluates multiple viable options based on key planning and operational criteria—including coverage needs, technical constraints, visual impact, and accessibility—while also adhering to the principles of the National Planning Policy Framework (NPPF).
- 4.15 Furthermore, the reference to the geographical location of our company's office has no bearing on the professionalism, diligence, or local consideration applied throughout the site selection process. The objection does not take into account the rigorous methodology and due diligence that underpin our acquisition process.
- 4.16 The objector refers to a temporary mast, however this is neither valid nor accurate. No formal planning application has been submitted for a temporary installation; it is currently only at the legal review stage. The reference appears to stem from a conversation between the agent and representatives of Little Drummers School, during which the school expressed a preference for the proposed permanent installation at Drummond Road (the appeal site) over a temporary alternative. As such, we consider this comment to be based on informal discussion and not materially relevant to the current planning proposal.
- 4.17 A full assessment of potential sites has taken place, and satisfactory evidence has been presented to demonstrate there are no suitable alternative site options for the proposed development.
- 4.18 The Appellant has exercised care in the siting of the proposed mast and believe this location will aid the integration of our proposal into the existing built environment.

5.0 Appearance

- 5.1 The proposed works include the installation of a 20m Streetworks monopole, 2No.0.3m dishes, and 6No antennae at respective heights of 16.32m and 19.52m above ground

level. Additionally, a GPS node will be installed on top of the monopole, along with four cabinets at ground level. Ancillary equipment, as shown in the attached drawings, will also be installed. The proposed telecom mast replaces a nearby site, to provide the local area with 2G/4G and 5G network services. The proposed location can be seen in Figure 8, below:



Figure 8 – Proposed Site Location for Replacement Mast (Arrow showing intended Location).

- 5.2 We consider the proposed site integrates with the existing built environment in a similar manner to hundreds of other such street works masts, installed in urban areas all over the country. The Development Plan does not ascribe a particular designation to this area or this site; it is not recognised for any ‘special’ characteristics, in any way. Both the site selection and design have been carefully considered to minimise visual impact from all potentially sensitive viewpoints. While we acknowledge the concerns raised by the local planning authority regarding the potential impact of the mast on the character of the area, every effort has been made to position it in the least visually intrusive location within the defined search area. The presence of tall trees and dense vegetation to the south of the site provides partial natural screening for the new infrastructure. Being located next to the Community Centre and close to the more mixed commercial/retail land use area off Shamblehurst Lane South also serves to mitigate the impact of the proposal on residential areas. While we recognise that the mast will be visible to a degree; its design has been developed to be in keeping with an urban context and integrate with lampposts and other such infrastructure, found within a typical street scene.
- 5.3 The proposed location is situated next to existing infrastructure, including lampposts, and immediate roundabout. As illustrated in figures below, the surrounding area is characterised by trees and bushes on the adjacent side of Drummond Road and this can be seen in Figures 9-10.

Figure 9 – Proposed Location of the Appeal Site. The image below illustrates the significant trees and vegetation along this stretch of Drummond Road.



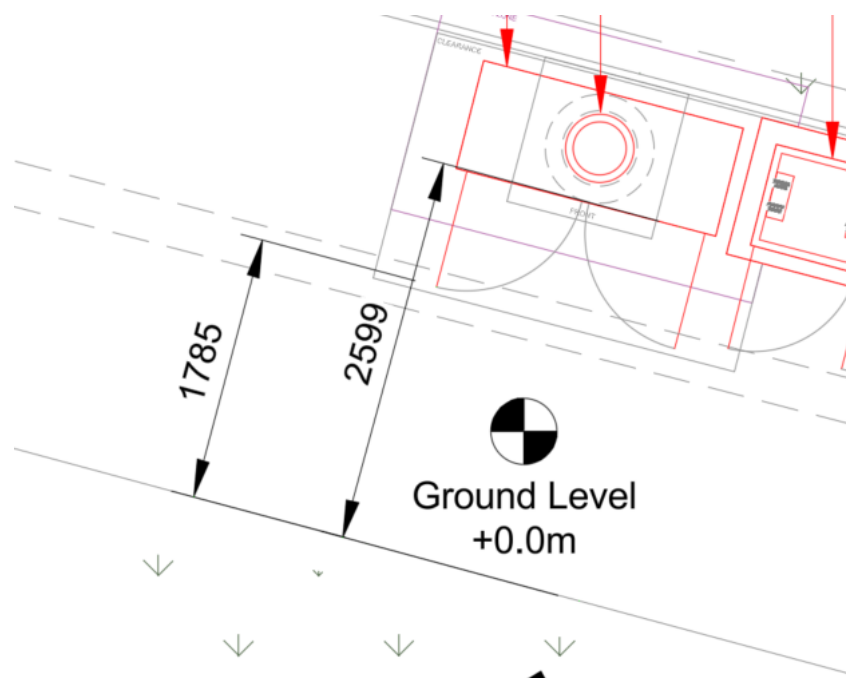
Figure 10 - An image to show the wider surrounding area of the proposed location of the appeal site, to the west of the site.



- 5.4 As can be seen from these photographs, there are dense, mature trees lining a side of Drummond Road. For a significant part of the year these trees will form a visual screen, mitigating visual impact from many viewpoints either blocking views of the proposed mast entirely or significantly ameliorating the views of the structure that will remain.
- 5.5 In the immediate vicinity of the appeal site, there is a variety of existing street furniture, including street lighting columns positioned along the grass verges, demonstrating that such infrastructure is already an established feature of the area. While the proposed mast and associated cabinets will be visible, their design is simple and utilitarian, clearly reflecting their functional purpose. The site is also located in close proximity to a Tesco store and additional street furniture situated around the nearby roundabout, further embedding the proposed development within a context of existing urban infrastructure.
- 5.6 Such mobile phone masts are now an accepted element of modern infrastructure. Their appearance, even in areas of sensitivity, is no longer regarded as incongruous or particularly jarring. This infrastructure is not uncommon. As of 2016, there were estimated to be 53,000 mobile phone sites in the UK. To that extent they are becoming accepted features of the local environment as with other forms of essential public utility infrastructure, such as roads and railways and, specific to this location, streetlamps and roadside cabinets. Due to the existing infrastructure, as shown in the Figures above, the impact of the mast will be marginal. It would not be quite right to refer to the site as having 'openness' (ref reason for refusal) either. The photograph in Figure 9 shows that the site

is protected by mature trees on both sides of the road and the wider area of the grass verge is further restricted by young trees that may be expected to grow. It might be considered that these trees ‘enclose’ this area. Together with the street furniture, they certainly limit its openness.

- 5.7 The Appellant appreciates there will be a degree of visual impact from the erection of a new ground-based installation. However, the proposed apparatus (monopole and cabinets) has been carefully positioned to help with assimilation, and it is not directly in front of any sensitive properties. Furthermore, the installation itself is designed to be deployed in urban locations. In terms of the discreet location and nature of the scheme proposed, it is considered the apparatus will blend into the existing street scene and the overall scheme represents an appropriate balance between visual impact and operational requirements.
- 5.8 The proposed monopole and cabinets are coloured grey by default, being the settled, most neutral colour, as illustrated by the existing street equipment on Drummond Road. However, the equipment can be painted to the requirements of Eastleigh Borough Council and/or the Planning Inspectorate, if it is considered that an alternative colour would be more appropriate.
- 5.9 The Officer makes a point in relation to the reduction of pavement width within the decision notice. It is made clear within the drawings submitted in support of the application that the clearance measurements from the cabinets to the verge, both with the doors open and closed are provided below:



The pole and cabinets will be arranged to be at the back of the pavement to maintain passing clearance of pedestrians and are designed to be installed on to such footpaths where space is limited. We fully acknowledge that this is a shared use path, and we

understand the concerns about maintaining a safe and accessible route for all users. Please be assured that the minimum width requirements will be met, in line with statutory obligations. A senior traffic management engineer suggested a white lining and bollards to increase visibility and reduce the risk of collision. We do not consider this necessary and are concerned that such elements would increase the impact of the proposed mast, making the whole development more complicated. However, this could be implemented by planning condition if thought appropriate.

- 5.10 This site has been identified as the most favourable location, within the required search area and free from significant planning designations. (This location is not within a conservation area nor subject to any environmental designations.)

Material Considerations

6.1 Local Plan Policy

While it is a planning norm for decisions to be taken in accordance with the Development Plan, in this case, planning permission has already been granted by the General Permitted Development Order. The planning condition allows only that the Local Planning Authority should make “a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development”. As a result, the only aspects that should be taken into account for the determination of this appeal should relate to those elements of the Development Plan that refer to siting and appearance.

- 6.2 Telecommunications development is covered by Policy DM9 of the Eastleigh Borough Local Plan (2016-2036). The policy supports the development of this importance infrastructure, subject to certain criteria. Details of the policy is included below:

“Policy DM9, Public utilities and communications

1. *“The development of new and improvement of existing utilities infrastructure essential to meet the needs of new and existing communities will be encouraged and permitted subject to the other policies of this plan. In the event of conflict with other policies of this plan the Borough Council will require a full justification including an assessment of alternative means of provision.*
2. *New development will only be permitted if the essential utilities infrastructure including communications infrastructure required to serve it is available. Where off-site utilities infrastructure is not adequate to serve a development site, developers will be required to contribute to the costs of new off-site provision in consultation with the utilities providers.*
3. *The development of new telecommunications infrastructure will be permitted where:*
 - a) *it will enhance broadband speeds and the quality of telecommunications services; and*
 - b) *all possible steps are taken to minimise the environmental impact of the development, and it can be demonstrated that alternative sites and means of provision including mast-sharing have been examined and there are no feasible alternatives to the proposal.*
4. *The Council will encourage developers to make provision for the installation and maintenance of telecommunications infrastructure within new developments.*

5.53 It is essential that new development can be provided with utilities infrastructure such as water supply, wastewater disposal, energy (electricity and gas), and telecommunications. In addition, development sites can be crossed by existing utilities infrastructure such as power lines, gas pipelines, sewers, water

pipelines etc. In such cases, developers should agree with the utilities providers arrangements for connection to and/or diversion of such infrastructure and any additional provision required to serve the development prior to the submission of a planning application.

5.54 Communications refers to modern telecommunications technology such as high- speed broadband, 4G and other similar systems. Telecommunications play a vital role in supporting economic development. Good telecommunications provision can also enable flexible working practices which limit the need to travel. For these reasons the Borough Council is keen to encourage the installation of telecommunications equipment and facilities to serve new development sites, in accordance with national guidance in the NPPF.”

- 6.3 The above statement is clearly supportive of up-to-date telecommunications for the Shamblehurst area in Eastleigh. As planning permission has been granted, subject only to the Council’s prior approval of the siting and appearance, the crucial part of this Policy is paragraph 3(b). The siting has been chosen to minimise the impact of the proposal on the more sensitive, residential areas of the search area; potential alternative sites has been considered and dismissed, meaning this is the most feasible option. The proposal accords with this Policy.
- 6.4 In the wider context, the proposal provides such up-to-date facilities. Failing to replace the cell to be removed from the network will detract from the policy objective. If the replacement of the cell accords with planning policy, the infrastructure has to go somewhere. The application supporting information, and this appeal demonstrates that this is the optimum location and solution.
- 6.5 The delegated report does not offer an assessment of the proposal in relation to specific Local Plan Policies. However, mentions the following Policies, but offers no comments in relation to them: ‘Development Plan: Policies S1, S4, S10, DM9, DM13, and DM36 of the Eastleigh Borough Local Plan 2016 – 2036’. The Officer does acknowledge the proposal would improve telecommunications coverage which supports the objectives of Policy S4 of the Eastleigh Borough Local Plan and paragraph 119 of the NPPF.
- 6.6 **National Planning Policy Framework**
For similar reasons described in section 6.1 above, the element of the NPPF relevant to this appeal appears in paragraph 122, item (c): -

“Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include: -

(c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.”

- 6.7 Both of these elements had been considered and the necessary evidence provided with the prior approval application and also this appeal statement.

6.8 Reasons for Refusal

The decision was made under the Council's delegated powers. The evidence of the considerations taken into account are outlined in the Officer's report on the application (see Appendix 2). The issues relating to the application are outlined below, although it should be noted that a superseded version of the National Planning Policy Framework is referred to.

- 6.9 The Council's reasons for refusing prior approval are as follows: -

"1. The proposed telecommunications monopole, by reason of its height, siting, and utilitarian design, would appear as an incongruous and dominant feature within the street scene. It would be significantly taller and bulkier than existing street furniture, visually prominent from nearby public vantage points, and would not be effectively screened or integrated into its surroundings. The proposal would cause demonstrable harm to the open and uncluttered character of Drummond Road, contrary to Policies DM1 and DM9 of the Eastleigh Borough Local Plan 2016–2036, the Quality Places SPD, and the National Planning Policy Framework which require development to respond positively to local character and be sympathetically designed.

2. The proposed installation, including the monopole and associated cabinets, would result in a narrowing of the shared pedestrian and cycle path on Drummond Road, close to a junction and a well-used community facility. This would create a pinch point, obstruct visibility, and compromise the safe and convenient movement of pedestrians and cyclists. The development is therefore considered to result in unacceptable harm to highway and pedestrian safety, contrary to Policy DM13 of the Eastleigh Borough Local Plan 2016–2036 and guidance in the National Planning Policy Framework promoting safe and accessible movement within the public realm.

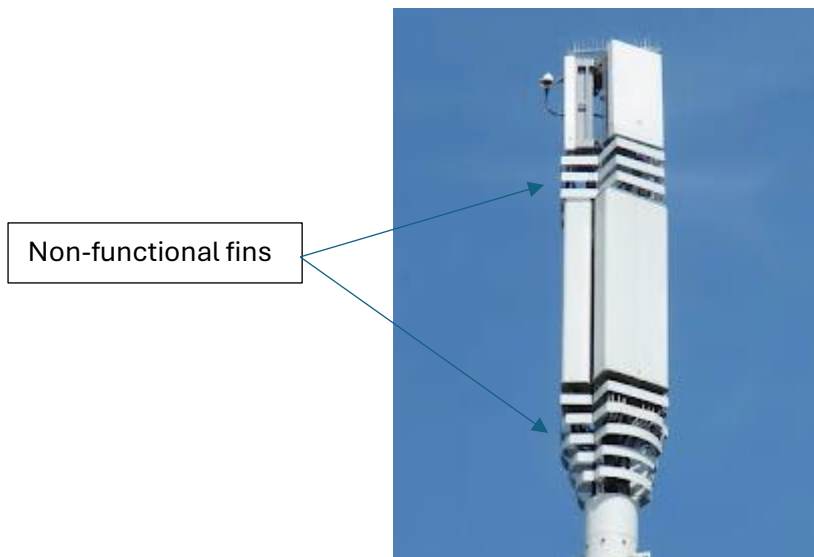
3. The proposed monopole would be prominently sited in front of a community centre which accommodates a nursery facility. While the development complies with public health exposure guidelines, its appearance and perceived health risks are likely to generate fear and anxiety among parents and users. This would discourage attendance, reduce nursery income, and diminish the financial viability of the centre, impacting the income stream of the Town Council. As such, the proposal would have an adverse impact on local economic development, contrary to the economic growth objectives of Policy S4 of the Eastleigh Borough Local Plan 2016–2036 and the National Planning Policy Framework".

- 6.10 As outlined above, there is a clear and established need for a new telecommunications installation within the defined search area to maintain and enhance mobile network coverage and capacity. The proposed mast must be 20 metres in height to ensure

effective propagation of radio signals, taking into account surrounding obstructions, topography, and existing infrastructure.

- 6.11 It has also been demonstrated that such development is not an unfamiliar or incongruous feature within the urban environment. Telecommunications installations of this nature are a common and necessary element of modern infrastructure, particularly in areas where network demand continues to grow.
- 6.12 In selecting this specific location, careful consideration has been given to minimising impact on the character of the local environment and residential amenity, in particular. The site has been chosen following a detailed assessment of alternative locations within the search area, many of which were discounted due to greater proximity to residential dwellings or other unacceptable planning constraints. The proposed site represents the least harmful option while still meeting the operational and technical requirements of the network.
- 6.13 While some may perceive the mast as a prominent feature, visual prominence is inherently subjective. In this instance, the proposed structure would be viewed in the context of existing street furniture and urban infrastructure, such as lighting columns, signage, and other vertical elements within the streetscape. Its presence is consistent with the scale and form of similar installations across comparable urban areas.
- 6.14 Moreover, national planning policy recognises the importance of delivering high-quality communications infrastructure and encourages proactive measures to support connectivity, even where visual changes to the environment may be necessary. On balance, the benefits of the proposed development in terms of ensuring continuity of service and meeting public demand for reliable mobile coverage outweigh any limited visual impact the installation may have.
- 6.15 The design of the proposed monopole has been developed over the 20 years that mobile phone networks have been deployed. The current design has departed from an entirely utilitarian approach and uses architectural elements to enhance the appearance of the structure. Non-functional ‘fins’ now feature on the mast, lending it a modern and aesthetically more interesting look (See Figure 17). While it is recognised that a standard telecom mast cannot be made to appear attractive, in the general sense, this design has considered how an ugly structure can be avoided and has been found to be acceptable in similar locations for 4/5G masts in innumerable examples.

Figure 17 - Indication of architectural feature to reduce the totally utilitarian look of the structure.



- 6.16 In the conclusion of the Committee Report, the Officer indicates that they are mindful that *“The installation would provide 5G coverage for the surrounding area, providing a substantial benefit to the area in terms of facilitating the growth of next generation mobile technology and improving existing coverage. This recognised as being essential for economic growth and well-being in paragraph 118 of the NPPF.”* However, the officer, with no apparent professional understanding of the constraints involved in telecom network planning, negotiation with third party landowners and the difficulties of site finding, claims that the applicant has failed to robustly demonstrate that alternative, less harmful sites have been adequately explored. We believe that the evidence has been provided. In coming to his conclusion, we believe that the Officer has either ignored or misunderstood the evidence provided and therefore not properly balanced the Policy in support of network deployment against the siting and appearance factors he clearly believes are over-riding.
- 6.17 The fact that two Operators, with collective experience of deployment of over 20,000 telecom sites in the UK and therefore well experienced in these matters, are appealing the decision is a demonstration that site choice is not necessarily as simple as the approach adopted by the Officer. This appeal shows that the site submitted is, in their experience and professional judgement, the best solution in response to the loss of the existing site.

6.18 **Precedents**

There are many examples where prior approval for identical proposals have been submitted in areas of a similar or more sensitive character and which have been granted on appeal. We provide three such examples, in the interests of brevity.

- 6.19 Appeal Ref: APP/Q3305/W/18/3206555 - Footpath adjacent to Whiting Way, Wells, Somerset BA5 2QF. The main issues identified were: -
- i) whether or not there is a need for the proposed mast, as opposed to making use of any existing mast, building or other structure, in order to provide an efficient operation of the network;
 - ii) whether the proposal would preserve or enhance the character or appearance of the nearby Wells Conservation Area (the CA) and preserve the setting of listed buildings (LBs) in the vicinity, and in the event that any harm is identified, whether that harm would be outweighed by any public benefits.

The inspector found that the proposed mast fitted in with the existing street furniture and, notwithstanding its significantly greater height, it would not appear out of place in terms of only representing one additional vertical feature into the immediate streetscene. Furthermore, the increased height would not be an isolated or dominating feature seen from the closer approaches on that side of the road due to the positioning of the existing lampposts in the foreground. In that respect, it would therefore also not be generally seen in isolation against the backdrop of the tower of the listed church. He allowed the appeal. A copy of the Appeal Decision is provided in Appendix 4.

- 6.20 Appeal Ref: - APP/U2750/W/24/3342345 - Land at In Moor (Dis) Quarry, In Moor Lane, Middlesmoor, North Yorkshire HG3 5SU. While the location was very different, being in a more rural setting, the site was within an Area of Outstanding Natural Beauty, demonstrating that even in areas designated for great sensitivity, the need for connectivity, together with careful thought on siting and consideration of the appearance of a mast, if clearly demonstrated, can overcome concerns relating to siting and appearance. A copy of the Appeal Decision is provided in Appendix 5.

7.0 Conclusion

- 7.1 Planning permission has been granted for the proposed development by the General Permitted Development Order. By planning condition, Eastleigh Borough Council exercised their right to require the proposal had their prior approval and refused it.
- 7.2 The siting of the proposed telecom mast is dictated by various factors, the primary one being to meet the needs of the radio network, filling in a pending 'hole' in radio coverage while minimising remaining gaps and overlaps from surrounding cell sites. This requirement limits the potential location of such a mast into a restricted search area.
- 7.3 Other constraints relate to ground conditions, existing services, health and safety and planning issues. The proposed site meets these requirements more satisfactorily than a number of other sites that were investigated and rejected as being unsuitable, in some way.
- 7.4 Appropriate diligence was invested in assessing a range of locations, finding this site and discounting the others.
- 7.5 The appearance of the mast will not form an over-dominant feature being a marginal addition of development familiar in many similar circumstances all over the UK. Its height is again dictated by its function in holding the antennas at the height required to make them effective in broadcasting and receiving radio signals across the area of coverage. the site's appearance has been further mitigated by elements of design to reduce the utilitarian look of the structure.
- 7.6 Its appearance is not so incongruous as to warrant rejection of the proposal on visual impact grounds. The need for the connectivity that the mast will provide and supportive Government Policy overcomes the hurdle presented by the high sensitive urban location the site is located within.
- 7.7 There are no Listed Buildings or significant environmental designations in proximity to the proposed mast that would materially affect the appeal site and elevate the sensitivity of the siting and appearance of the proposal.
- 7.8 The proposal meets the requirements of the Local Plan and National Planning Policy Framework in relation to siting and appearance in all aspects.
- 7.9 Similar development, located in more sensitive areas has been granted on appeal in the recent past, suggesting that a precedent for such development and the standard against which it should be held has been set at a higher level than the Council used in considering this particular prior approval application.
- 7.10 Under the terms of the General Permitted Development Order, relating to the issues of siting and appearance, consent for the proposed development should be granted and the Appeal allowed.

List of Appendices

Appendix 1 - Prior Approval Application and accompanying documents

Appendix 2 - Officer's Report on Prior Approval Application

Appendix 3 - Prior Approval Refusal Notice

Appendix 4 - Decision Notice for Appeal APP/Q3305/W/18/3206555

Appendix 5 - Decision Notice for Appeal APP/U2750/W/24/3342345