

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/0945/92

Mercury Personal Comm.  
Elstree Tower Elstree Way  
Borehamwood  
Herts

Albany Partnership  
Dolphin House, Albany Park  
Camberley  
Surrey  
GU15 2PL

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

Land N.W. of Widmore Farm, Gaddesden Row

ERECTION OF AERIAL TOWER, FOUR COMMUNICATION DISHES AND RADIO EQUIPMENT CABIN

Your application for *full planning permission* dated 10.07.1992 and received on 16.07.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 12.11.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/0945/92

Date of Decision: 12.11.1992



REFUSED for the following reasons:

1. The application site is within the Chiltern's Area of Outstanding Natural Beauty wherein both development and communications will be subordinated to the basic theme of the Area of Outstanding Natural Beauty. The area is not to be regarded as one of availability for development and permission will only be granted for new masts if it is satisfactorily demonstrated that a suitable alternative site outside the area is not available.

The current proposal has not satisfactorily demonstrated that it would not be possible to site the antennae on an existing structure, nor that alternative locations, less harmful to the natural beauty of the area, are unavailable. The proposal therefore conflicts with the primary planning objective for the area.

2. By virtue of its size the site is inadequate to accommodate the proposed development together with landscaping which would be necessary to ameliorate the impact of the development on the natural beauty of the area.



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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## PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL

McInally Associates  
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Ack.					Your reference	
D.P.	T.C.P.M.	D.P.	C.C.	B.C.	Admin.	File
Received 23 AUG 1993					Out reference T/APP/A1910/A/93/223282/P8	
Comments					Date 20 AUG 1993	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MERCURY PERSONAL COMMUNICATIONS  
APPLICATION NO :- 4/0945/92

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of an aerial tower, radio equipment cabin and four communication dishes on land to the north west of Widmore Farm, Gaddesden Row, Hemel Hempstead. I have considered the written representations made by you and by the Council and also those made by the Great Gaddesden Parish Council and interested persons. I have also considered those representations made directly by other interested persons to the Council which have been forwarded to me. I inspected the site on 5 July 1993.

2. From the written representations made and from my inspection of the site and its surroundings, I have come to the conclusion that the main issue to be decided in this appeal is whether the proposal would be an acceptable form of development on this site in the Chilterns Area of Outstanding Natural Beauty.

3. The appeal site is a triangular plot of land of some 112.5 sq m located in the corner of a field north west of the farm buildings fronting Bradden Lane. Your client is a Telecommunications Code System Operator who will begin operating a personal communications network telephone system from 1993. To achieve this a planned network of interacting cells is needed, each requiring a radio base station with antennae which may be fixed to a free standing mast, as in the current appeal, or mounted on existing buildings or other structures to obtain an uninterrupted line of sight with other installations. The centre of the cell forming the subject of this appeal is located just to the south east of the appeal site but the search for a suitable location for the mast was concentrated on land to the north of the centre in order to establish the radio base station on higher land. It is pointed out that a number of sites was surveyed during the search but the proposed location at Widmore Farm appeared to be the most suitable. The tower, 22.5m high, would be of a lattice construction with an equipment cabin approximately 3.1m in height.

4. The appeal site comes within the Chilterns Area of Outstanding Natural Beauty. In this respect I must take account that Areas of Outstanding Natural Beauty are designated under the National Parks and Access to the Countryside Act 1949 with the prime purpose of preserving or enhancing their natural beauty. Policy 89 of the Dacorum Borough Local Plan Deposit Draft reflects this objective while Policy 103 sets out that permission for new masts will



not be granted unless it can be satisfactorily demonstrated that a suitable alternative site outside the Area of Outstanding Natural Beauty is not available. I note that the Inspector's Report following the Public Local Inquiry into the Plan supported the negative approach of Policy 103 and recommended an amendment to indicate additionally that the erection of high radio masts will not be permitted unless it has been conclusively shown that there is no reasonable possibility of erecting the mast on an existing building or other structure. I understand that the Council is likely to accept the Inspector's recommendation and because of the progress of the Plan towards adoption I find that considerable weight should be attached to these policies.

5. The recently issued Planning Policy Guidance Note 8 indicates that the Government's general policy on telecommunications is to facilitate the growth of new and existing systems and also restates a commitment to the protection of the countryside including Areas of Outstanding Natural Beauty. It recognises that masts may need prominent locations that pose challenges to policies for the protection of high quality landscapes. The Note advises that the significance of this form of development as part of a national network is a material consideration, that planning authorities should be alive to its special needs and technical problems and that the wider benefits may outweigh such direct adverse effects as the visual impact of new masts.

6. In this particular case the Council asserts that the proposal would have an unacceptable and harmful impact on the beauty of the landscape. The Council accepts that the whole of the cell comes within the Area of Outstanding Natural Beauty but is not satisfied that a lack of alternative sites has been demonstrated. The Council takes the view that such visual intrusion should only be accepted if all alternatives have been investigated and proven to be impracticable.

7. You comment that views from adjacent roads would be negligible and that the proposal would not be obtrusive when viewed from nearby residential properties. Nevertheless the appeal site is located in open countryside with flat farmland to the north and west and areas of woodland visible in the distance. The Council draws attention to Public Footpath No 6 which runs along the north western boundary of the appeal site and another parallel footpath some 400m beyond. Apart from existing screening provided by a copse along the eastern boundary, the appeal site is open to views on all other sides. In my opinion the mast and the associated building would be very prominent over a wide area of the surrounding countryside and would have a harmful impact on the character and appearance of this part of the Chilterns Area of Outstanding Natural Beauty.

8. It is therefore necessary for me to consider whether a suitable scheme of landscaping or the constraints facing the operator are sufficient to outweigh the harm which I have identified.

9. You submitted with the appeal documents a plan including landscaping proposals and indicating hawthorns along the boundaries of the appeal site, shrubs along the north western boundary while to the south outside the appeal site similar planting is shown together with a number of ash trees. A further plan showed that an area 10m deep to the south of the appeal site is included in the area to be leased from the owner of the land and is thus within the control of the appellant. Neither of these plans was available for consideration by the Council as part of the original application but nevertheless the Council has commented on these proposals. In my opinion there is little scope for planting along the north western boundary of the

site sufficient to adequately screen the lower part of the installation and there is no indication that land to the north west of the appeal site boundary is within the control of the appellant to enable further landscaping to be undertaken. I consider that the proposal would thus remain clearly visible from open land and the public footpath network to the north and north west.

10. Regarding the operator's constraints, I have taken careful note of your arguments concerning the location of the radio base station and the coverage prediction maps you have submitted. I am aware of the benefits of the network coverage and I understand your client's concern to ensure coverage of the main transportation routes particularly the A4146. I have also noted that alternative sites at Ballingdon Farm and Beechwood Home Farm were investigated but you comment that as both lie on slightly lower ground they would require higher masts and on this basis were deemed inappropriate. However it is possible that in certain circumstances a higher mast could be less obtrusive if, for instance, the site were screened by existing mature trees. I recognise that you have also rejected the use of the existing Water Tower at Caddesden Row because ground level is lower and because it would fail to give adequate service coverage to the A4146. Nevertheless it seems to me that the Council's suggestion that the cell could be split with antennae attached to the Water Tower and with additional antennae possibly on an existing structure to the south west of the A4146 is worthy of further consideration. I have noted your comment that you are required to erect only the minimum practicable amount of apparatus but it seems to me that where location in an Area of Outstanding Natural Beauty is needed there is considerable justification for solutions which would have less impact on the landscape. I have also taken account of your references to paragraph 27 of Planning Policy Guidance Note 8 but it is not clear from your representations whether such difficulties have arisen in respect of the use of the Water Tower. In these circumstances I am not satisfied that it has been demonstrated conclusively that there is no possibility of alternative siting which could result in less visual damage to the appearance of the Area of Outstanding Natural Beauty than the current proposal. I conclude, on the evidence before me, that the considerations concerning the scheme of landscaping submitted with the appeal and the constraints upon the operator are not sufficient to outweigh the visual harm which I find would be caused to the appearance of the area. I consider therefore that the proposal is unacceptable.

11. I have taken account of your reference to the current use of parts of Widmore Farm for purposes other than farming but the Council states that such uses have not been authorised and are the subject of investigation. Neither this nor any other matter raised in the written representations is of such weight as to alter the balance of my conclusions.

12. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

M. A. Frith

M A FRITH BA DipTP MRTPI  
Inspector