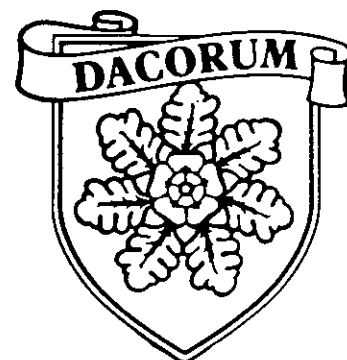


REASONS FOR REFUSAL
OF APPLICATION: 4/1232/90

Date of Decision: 18.10.1990



1. The site lies in the rural area beyond the Metropolitan Green Belt where development will normally only be permitted for development related to agriculture, forestry or other uses appropriate to the rural area. The proposed development is contrary to this policy and no evidence has been advanced (as advised in PPG 8) to show why the aerials cannot be placed on other radio installations in the vicinity nor why an exception should be made to the normal planning policy for the area.
2. The proposed radio tower will be clearly visible from the M1 motorway and nearby lanes and will appear as an intrusive feature in the rural landscape.
3. The proposed equipment building, being a flat roof prefabricated structure, is of design and construction inappropriate in this rural area.



Planning Inspectorate

Department of the Environment

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GTN 1374

PLANNING DEPARTMENT
DACORUM BOROUGH COUNCIL

Pln.						Ack.	
C.P.O.	I.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received						7 JUN 1991	
Comments						Date: 6 JUN 91	

McInally Associates

Planning & Development Consultants

1 Newton Place

Glasgow G3 7PS

Our reference:

T/APP/A1910/A/91/175253/P7

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990. SECTION 78 AND SCHEDULE 6
APPEAL BY MERCURY PERSONAL COMMUNICATIONS LIMITED
APPLICATION NO: 4/1232/90

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a 22.5m mast with aerials for a new national digital radio network on land off Coles Lane, at Lady Bray Farm, Kinsbourne Green. I have considered the written representations made by you and by the Council and also those made by the St Albans City and District Council as an adjoining local planning authority. I have also considered the written representations made by the Flamstead Parish Council and an interested person at the application stage. I inspected the site on 29 April 1991.
2. The appeal relates to a rectangular site measuring 10m x 8m, located within a long narrow field in open countryside about 75m north of Coles Lane, some 170m east of the bridge where this lane passes under the M1 motorway. It is clear from the submitted plan and the application documentation that the application includes the erection of an equipment building adjacent to the proposed mast and I am dealing with the appeal accordingly.
3. From my inspection of the site and the surrounding area and my examination of the representations submitted, I consider that the main issue in this case is whether the proposed development would be an unacceptably intrusive feature in the landscape.
4. You point out that your client is a licensed Public Telecommunications Code System Operator and is establishing a personal communications network telephone system. This will begin operating from 1992 and the firm are required under the terms of their licence to make the system available to serve 90% of the country's population by 1999. The system involves an interacting network of geographical cells, each of which needs to be served by a radio transmitter. The appeal site meets your client's technical requirements in respect of the cell in this case, being about 1km west of the centre of the cell, which has a radius of 2.6km. The site also has the advantages in telecommunications terms of occupying an elevated position and being close to the M1.

5. I note that the site lies within the rural area beyond the Metropolitan Green Belt. The Council contend that the appeal proposal is not acceptable under the terms of policy 2 of the adopted Dacorum District Plan because it is not development appropriate to a rural area, but it seems to me that this approach insufficiently recognizes the need for telecommunications apparatus in rural areas. However, policies 28 of the District Plan and 99 of the draft Dacorum Borough Local Plan both especially refer to high masts and provide that these will not be permitted unless it can be shown conclusively that there are technical difficulties which preclude mast-sharing. These policies are more restrictive than the advice in PPG8 which nevertheless expects applicants to show that they have explored the possibility of erecting antennas on another structure.

6. The submitted information shows that there is one existing radio mast within the cell area, that at Annables Farm, Kinsborne Green, which you have obviously investigated. However, this is only about 12m high and is situated on lower ground. Having regard also to the existing antennas on the mast, it would evidently have to be raised in height to 32.5m to achieve sufficient coverage for your clients requirements. I am satisfied that this would effectively amount to the erection of a different mast and in my view the existence of the present relatively low structure at this other site should not prejudice consideration of the appeal proposal on its merits.

7. The appeal site does not lie within an area the subject of any protective landscape designation. However it is situated in the M1 corridor Landscape Development Area in which policy 87 of the draft Borough Local Plan provides that development will only be permitted where it includes detailed proposals for appropriate landscape creation and improvement, or enhancement of the development's setting. The aim of this policy is essentially to improve the landscape in areas where there are visual and environmental problems.

8. Having viewed the appeal site and the surrounding area from both the northbound and southbound lanes of the M1 and the approach roads to the site, I find that the tall lighting on the central reservation of the motorway and the line of electricity pylons running alongside it to the east are major features in the landscape. From most distant vantage points I believe that the proposed mast would be seen in conjunction with one or both of these features. In this setting and having regard to the slim profile of the mast, I am of the opinion that it would not appear unduly conspicuous.

9. Viewed from Coles Lane close to the site in the south, I accept that the existing trees and hedging on the southern and eastern boundaries of the field in which the site lies would screen the equipment housing and acceptably limit the visual impact of the mast. However, because of the lack of any significant screening on the western boundary of the field both structures would be exposed to view from the lane between the site and the motorway linking Coles Lane with the A6 to the north. From here the development would not be seen in association with the existing landscape artefacts I have referred to and in my opinion would be harmfully intrusive. I consider that such intrusion could be acceptably limited only by substantial planting to the west of the site, a requirement that would be appropriate in the context of policy 87 of the draft Borough Local Plan.

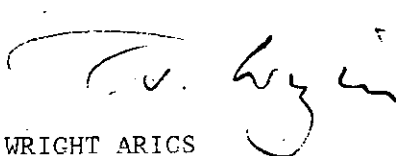
10. However, as the Council point out, there is no available space within the appeal site for planting and there is no indication that the land to the west of the site is under your client's control. Consequently, on the basis of the appeal application, I do not consider that the objection to the

development that I have identified could be overcome by means of an enforceable planning condition. I appreciate that you have submitted a revised application involving a much smaller equipment housing and a different site boundary but I must consider the appeal application as it stands. Having done so, I conclude that the proposed development would amount to an unacceptably intrusive feature in the landscape for the reasons I have given.

11. I have taken into account all the other matters raised in the representations, none of which causes me to reach a different decision in this case.

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

I am Gentlemen
Your Obedient Servant


T J WRIGHT ARICS
Inspector



TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL

Application Ref. No. 4/1232/90

Mercury Pers.Communications
1 Harbour Exchange Square
Docklands

C.G.Bone Assoc.
12 Holywell Hill
St Albans
Herts

DEVELOPMENT ADDRESS AND DESCRIPTION
=====

Land at Lady Bray Farm, Kennel Lane, Nr Flamstead

RADIO TOWER WITH AERIALS AND RADIO EQUIPMENT BUILDING

Your application for *full planning permission* dated 26.07.1990 and received on 31.08.1990 has been *REFUSED*, for the reasons set out on the attached sheet(s).



Director of Planning.

Date of Decision: 18.10.1990

(encs. Reasons and Notes)