



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Cellnex UK Limited

Proposal:
A 2.5m extension to the existing 22.5m lattice tower, the removal of six antennas and the installation of twelve antennas, twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes.

Appeal Site:
Cherry Lane Cemetery
Shepiston Lane
Hayes
UB3 1RN

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant prior approval for : A 2.5m extension to the existing 22.5m lattice tower, the removal of six antennas and the installation of twelve antennas, twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes.
- 1.2 The LPA refused prior approval on 22-10-2021 for the following reason (as stated on the decision notice):
 1. The proposed extension to the telecommunications lattice tower and associated equipment would, by virtue of their siting, size, scale, bulk and height, represent a visually dominant development that would harm the open character of the green belt and wider area. The development would therefore be contrary to paragraph 115 and Section 13 of the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 21 and DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. It is understood that a copy of the Officer's Delegated Report has been sent to PINS with the Appeal Questionnaire.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 The Council considers that the assessment of the documents originally submitted as part of the Prior Approval application have been addressed in the Planning Officer's Delegated Report.
- 2.2 The appellant has referenced the LPA's green belt reference in their statement of case. Whilst this forms part of the reason for refusal, a key part of the reason for refusal is the impact on the open character of the wider area, due to the siting, scale, bulk and height of the proposal. The open character of the green belt is material to the decision, as it is relevant in terms of the character assessment when considering the development; the siting and appearance rightly noted in the statement.
- 2.3 Whilst the need for enhanced telecommunications on a National scale is appreciated and supported by other approvals elsewhere in the LB Hillingdon, the role of the LPA was to make an assessment of the siting and appearance of the development. In this instance, given the particular site circumstances and context, it is considered that the alterations would be materially harmful with regards to the siting and appearance of the telecommunications mast and associated equipment. The result would be visual

harm to as explained in the reason for refusal. The increase in height and the proposed design raise significant concerns relating to the visual impact.

- 2.4 With regard to the Appellants' concerns regarding the "planning balance" in the officers' report, the LPA assert that this is a summary report which aims to provide the reasoning for the decision. The key concerns relating to siting and appearance were not overcome by the benefits noted and submitted by the Appellant. Importantly, Policy DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020), relevant when considering siting and appearance states that *"Telecommunication development will only be permitted where: i) it is sited and designed to minimise their visual impact; ii) it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area; iii) it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings; iv) there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest; and v) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation."*

3. Conclusion

- 3.1 The proposal has been assessed against the relevant legislation and it has been deemed that the proposal would have a materially harmful impact on the character and appearance of the area.
- 3.2 The proposed extension to the telecommunications lattice tower and associated equipment would, by virtue of their siting, size, scale, bulk and height, represent a visually dominant development that would harm the open character of the green belt and wider area.
- 4.3 In lieu of robust evidence to justify the harm resulting from the siting and appearance, the Inspector is respectfully asked to dismiss the appeal.