



# Appeal Decision

Site visit made on 30 January 2024

by **E Catchside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 February 2024**

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**Appeal Ref: APP/Z1510/W/23/3323559**

**Little Lodge Farm, Church Road, Maplestead CO9 2SL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and 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 Cornerstone against the decision of Braintree District Council.
  - The application Ref 22/02780/T56, dated 7 October 2022, was refused by notice dated 8 December 2022.
  - The development proposed is mast, antennas, dishes, cabinetry and all ancillary development.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issue in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

## Planning Policy

4. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard to be had to the development plan. I have had regard to the policies of the development plan and the Framework only insofar as they are a material consideration relevant to matters of siting and appearance.
5. Policies LPP47 and LPP57 of the Braintree District Local Plan 2013-2033 (LP) are material considerations as they relate to issues of siting and appearance. In particular, and amongst other things, they seek to ensure development respects the local historic context and preserves and enhances the immediate settings of heritage assets. Similarly, the Framework is also a material consideration. The Framework includes sections on supporting high quality

communications infrastructure as well as on conserving and enhancing the historic environment.

### **Main Issue**

6. The main issue is the effect of the siting and appearance of the proposed installation on the significance of a) the Grade II listed Little Lodge Farm and b) the collection of Grade II listed buildings known as Little Maplestead Hall, Maplestead Hall Garden Wall, and Maplestead Hall Barn and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

### **Reasons**

7. The site lies within the setting of the Grade II listed Little Lodge. The listing description describes the building as a 16<sup>th</sup> Century house with additions dating to the 17<sup>th</sup> and 20<sup>th</sup> Centuries. I consider its significance is derived, in part, from its architectural and historic interest, as well as its relationship with surrounding farmland. The land immediately to the north of Little Lodge, which includes the appeal site, is devoid of buildings and has a rural character, comprising fields and woodland. I therefore consider the appeal site to make a positive contribution to the significance of Little Lodge, because it aids the experience of the building within its rural hinterland.
8. The proposed development would introduce a 25 metres (m) high telecommunications mast, along with associated antennae, dishes and ancillary structures within an agricultural field, sited around 200m to the north of Little Lodge. From my observations, and notwithstanding the presence of intervening trees, there would be direct intervisibility between the development and Little Lodge. Whilst the lattice design of the mast would reduce the bulkiness of the structure, it would be taller than nearby trees and, therefore, would be a dominant and intrusive feature in the landscape. Consequently, the development would detract from the rural and undeveloped character of the land surrounding Little Lodge and would cause harm to its significance as a designated heritage asset. The harm caused would be less than substantial given that a large part of the agricultural setting of the listed building would be unaffected by the development.
9. The Grade II listed Little Maplestead Hall was originally constructed in the 14<sup>th</sup> Century on the site of the Commandry of The Knights of St. John of Jerusalem, Knights Hospitallers. It was rebuilt in the 17<sup>th</sup> Century, with later additions dating from the 18<sup>th</sup> and 19<sup>th</sup> Century. However, many of the original timbers were incorporated into the rebuild. The Grade II listed Maplestead Hall Garden Wall connects to Little Maplestead Hall and is a red brick wall from the late 18<sup>th</sup> and early 19<sup>th</sup> Century. The Grade II listed Maplestead Hall Barn is a timber framed barn dating from the early 19<sup>th</sup> Century. The listing description states that it is good of its type and, along with the aforementioned wall, forms an enclosed stock yard.
10. The significance of the collection of listed buildings at Little Maplestead Hall is derived, in part, from their group value that reflects the evolution of development on the site. The agricultural fields around the buildings contribute to their significance as a collection of properties set within extensive open farmland. The appeal site lies some distance from Little Maplestead Hall. However, the intervening land is open and, consequently, the appeal site

contributes to the expansive nature of the setting of the listed buildings. It therefore contributes positively to the significance of Little Maplestead Hall, Maplestead Hall Garden Wall, and Maplestead Hall Barn.

11. Some elements of the proposed development, including the concrete base, cabinetry and fencing would be positioned close to the ground and would have a relatively modest height. Accordingly, and given the intervening distance and the presence of trees and hedgerows, there would be limited visibility of these parts of the development from the listed buildings at Little Maplestead Hall.
12. However, at 25 metres high, the telecommunications mast, antennae, and dishes would be prominent in views from some distance around and, consequently, would impact upon the setting of the listed buildings at Little Maplestead Hall. Given that the expansive, open farmland contributes to the significance of the listed buildings, and in the absence of any authoritative evidence to the contrary, the development would cause harm to the significance of the listed buildings. The harm caused would be less than substantial, owing to the distance between the assets and the appeal site as well as the presence of intervening trees and hedgerows that provide some screening.
13. I have identified less than substantial harm would be caused to the significance of the Grade II listed buildings at Little Lodge, the Little Maplestead Hall, the Maplestead Hall Barn and the Maplestead Hall Garden Wall. I attach great weight to the conservation of these designated heritage assets. Paragraph 208 of the Framework states that, where there would be less than substantial harm to the significance of designated heritage assets, that harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
14. I recognise that there is a pressing need for additional telecommunications infrastructure to be provided within the local area around the appeal site, and this is not disputed by the Council. The development would deliver social and economic benefits, through improved mobile network coverage and connectivity for residents, business, industry and other sectors including health and education. It would, therefore, support a key government objective to expand electronic communications networks in an area where there is an established need, and has the support of the Framework. These benefits carry significant weight in support of the proposal.
15. The appellant has identified 12 potential alternative sites for the proposed development. However, whilst some of these have been discounted on the basis of the impact on other designated heritage assets, or due to defined operational reasons such as the absence of a power supply, there is a lack of clear and comprehensive evidence to justify why all of the potential alternative sites are not viable.
16. In particular, I am not persuaded on the basis of the evidence before me, that there are no preferable sites elsewhere within Little Lodge Farm that may offer better screening potential from the listed buildings, notwithstanding that some trees may require removal to facilitate the development. Moreover, the appellant has stated that the site at Monks Lodge Farm has similar planning merit to the appeal site. However, based on the evidence, it does not lie within the setting of a designated heritage asset. I am, therefore, not satisfied that it has been demonstrated these sites are not viable alternatives.

17. I attach great weight to the harm that would be caused to the significance of the listed building at Little Lodge and the collection of listed buildings at Little Maplestead Hall. Therefore, in the absence of clear and convincing evidence that there are no preferable alternative sites and, whilst I attach significant weight to the public benefits of the proposal, these benefits are not sufficient to outweigh the harm that would be caused to the significance of the designated heritage assets in this instance.

### **Other Matters**

18. Concerns have been raised about potential effects on health. However, the appellant has provided a declaration to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that decision makers should not set health safeguards different from the International Commission guidelines. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

19. The appeal scheme before me is a resubmission of a preceding prior approval application refused by the Council for reasons unrelated to heritage assets. However, since the Council's determination of the previous application, the GPDO 2015 has been amended to include a specific requirement to minimise the visual impacts of telecommunications development from the curtilage of listed buildings as far as practicable.

20. The appellant has drawn my attention to seven appeal decisions for telecommunications infrastructure. In the case of the appeals at Parsloes Park SW, Land at Upper Rainham Road, Land at Havering College of Further and Higher Education, and Land at High Road, Wealdstone the respective Inspectors concluded, unlike this decision, that it had been demonstrated there were no preferable alternative sites for the proposed development. The appeal decisions at Land at Lodge Farm, Nazeing and Land at Edgbaston Road also differ from this appeal in that the corresponding Inspectors concluded the benefits of the development outweighed the harm that had been identified. These appeal decisions are not, therefore, determinative to my consideration of the appeal, which I have considered on its own merits and with regard to the evidence before me and my own observations of the site and surroundings.

21. I have also been referred to a costs award decision relating to a site on Chesfield Road, Orpington in which the Inspector concluded that the Council had not taken account of the need for telecommunications infrastructure or the lack of alternative sites in its planning balance. I have, however, considered both of these matters in my decision.

### **Conclusion**

22. For the reasons given above I conclude that the appeal should be dismissed.

*E Catchside*

INSPECTOR