



Appeal Decision

Site visit made on 6 January 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/V4630/W/20/3261099

Broad Lane, Bloxwich, Walsall WS3 2TZ

- 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 MBNL against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 20/0656, dated 17 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed is 'Telecommunications upgrade. Proposed 20.0m AGL EE/H3G Street Pole and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. In light of the above, the main issue is the effect of the siting and appearance of the development upon the character and appearance of the area.

Reasons

5. Broad Lane is a well trafficked distributor road. The appeal site relates to a section of grass verge next to the footway on Broad Lane where the road rises towards its crossing over a railway line. Roadside vegetation borders the road to the opposite side of Broad Lane. A petrol station adds a commercial aspect to the streetscene, although its associated buildings, the neighbouring train station car park and the housing on surrounding streets are all situated at a

lower level than the appeal site. Together these give the area a predominantly low-rise and spacious suburban character. There are street lamps and a telecommunications installation in the form of a replica telegraph pole along Broad Lane close to the appeal site. There is relative consistency in terms of the spacing, height and profile of these structures. Consequently, the existing street apparatus does not dominate the suburban landscape setting.

6. It is proposed to erect a 20 metre high telecommunications pole incorporating antennas to the upper section of the pole and a wraparound cabinet at the base. Three further associated cabinets would also be installed. The supporting information indicates that the replica telegraph pole and its associated cabinets would be removed following the installation of the proposed apparatus.
7. The proposed telecommunications pole would be considerably greater in height than the existing street apparatus and buildings on this section of Broad Lane. It would be evidently thicker than the street lamps and the antennas would add an even bulkier element to the upper section of the structure. The substantial height of the pole would be further pronounced by its elevated position relative to the surrounding buildings and residential streets. Consequently, the siting and appearance of the pole would appear at odds with the prevailing low-rise character of the area and would be visually imposing particularly for passers-by on Broad Lane and for the nearby residents on Creswell Crescent, Tintern Crescent and Minewood Close.
8. The appellant has confirmed that they would be willing to accept conditions relating to the colour scheme utilised on the proposed equipment and to secure the removal of the existing telecommunications infrastructure. However, such measures would not be sufficient to mitigate the dominating impact of the proposal.
9. My attention has been drawn to previous planning application and appeal decisions relating to the provision of telecommunications equipment at this location. In particular, I note that in allowing a 12 metre high replica telegraph pole¹, that Inspector considered the proposal in that instance would result in some harm to the appearance of the area but that as a matter of fine judgement that harm was outweighed by the benefits of the proposal in that particular instance.
10. In contrast, the current proposal would be much greater in stature, and would result in significant harm to the appearance of the area. It is of note that paragraph 112 of the National Planning Policy Framework (the Framework) states that 'advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being'. In those regards I acknowledge that the equipment would be shared with the Emergency Services Network and would seek to improve mobile phone 5G connectivity in the area. This would undoubtedly have associated economic and social benefits. However, these benefits would not be of such magnitude to outweigh the significant harm identified.
11. The above harm is compounded by the fact that the Site Specific Supplementary Information (SSSI) provided suggests that alternative sites were previously discounted when the site was chosen for the existing telecommunications equipment rather than is specific relation to the appeal

¹ APP/V4630/A/14/2212443

proposal. Previous reasons why alternative sites were discounted may have changed. For example, it may be that land ownership issues have changed or that other sites may be more capable of accommodating the proposed larger installation with a lesser impact on the character and appearance of the area. Without evidence to demonstrate otherwise, I cannot be certain that the site represents the only viable option.

12. The appellant has referred me to appeal decisions in London and Birmingham but I have not been provided with a copy of these decisions. In any case, I must assess the proposal before me on its own merits having regard to the site-specific context in this instance.
13. I conclude that the proposal would not be acceptable in respect of its siting and appearance. Whilst the proposal would deliver economic and social benefits in accordance with paragraph 112 of the Framework, this would not outweigh the very significant harm that would be caused to the character and appearance of the area.
14. From a siting and appearance perspective, the proposal would conflict with the design, character and telecommunication requirements of Policy ENV3 (Design Quality) of the Black Country Core Strategy (2011), Policies ENV32 (Design and Development Proposals), GP2 (Environmental Protection) and ENV38 (Telecommunications Equipment) of the Walsall Unitary Development Plan (2005), Policy DW3 (Character) of the Designing Walsall Supplementary Planning Document for Urban Design (Revised 2013) and the Framework.
15. The Council's decision notice also refers to Policy QE3 of the Regional Spatial Strategy. Whilst I have not been provided with a copy of this policy, this does not alter my conclusion.

Conclusion

16. For the reasons set out, the appeal is dismissed.

M Russell

INSPECTOR