



Appeal Decision

Site visit made on 28 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 1 November 2021

Appeal Ref: APP/V4630/W/21/3277850

Walsall Road, Chapel Green, Willenhall, Walsall WV13 2EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Hutchison UK Ltd against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 21/0563, dated 11 April 2021, was refused by notice dated 10 June 2021.
 - The development is proposed 15m Phase 8 Monopole C/W wrapround cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) (the GPDO), 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 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, related guidance and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area.

Reasons

5. The appeal site is at the back of the pavement serving Walsall Road. This part of the road is primarily characterised by a mixture of retail units and appears to form a local high street. The adjoining streets were primarily residential in nature with Gough Street, in particular, close to the appeal site. Whilst the appellant has referred to there being no statutory designations covering the site and its surroundings, such as a conservation area, this does not preclude the need to consider the area's character and appearance.

6. The proposed mast would be in a prominent position close to the carriageway where it would be readily visible for some distance in either direction along Walsall Road, as well as from nearby residential properties. Although there is tall street furniture within the street scene, including telegraph poles and streetlighting, these largely integrate with the street scene and do not form a significant or intrusive feature. In contrast, the height and bulk of the mast, especially with regard to the antenna, would be a dominant feature. Moreover, given its functional and utilitarian design, the mast would be incongruous with the more vibrant appearance of the retail area and with the nearby residential properties. Furthermore, whilst I noted some features within the street scene that do not contribute positively towards the overall character and appearance of the area, the proposal would add to this and further harm the street scene. In light of the above, the proposal would result in significant harm to appearance of the area.
7. The appellant has raised that the area currently suffers from poor capacity, with the existing masts being congested. I am mindful of Paragraph 114 of the Framework which states that “advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being”. As such, I note that an additional mast would reduce the congestion, likely resulting in associated economic and social benefits. However, given that there is currently service available in the area, I find that the benefits would not be of such magnitude as to outweigh the harm identified.
8. Moreover, whilst a Site Specific Supplementary Information document, covering alternative sites that were discounted, has been provided, the information on these alternative sites is limited. Whilst I note that the Council found this information sufficient, the location and reason each alternative site was discounted are vague and, from the submitted evidence, I cannot be certain that this site is less harmful than the alternatives and that they are not viable. Therefore, without sufficient evidence to demonstrate otherwise, I cannot be certain that the site before me represents the only viable option.
9. In light of the foregoing, whilst there may be some economic and social benefits resulting from the proposal in accordance with Paragraph 114 of the Framework they would not be sufficient to outweigh the significant harm that would be caused to the character and appearance of the area.
10. I have taken into account, and find the proposal would conflict with, Policies ENV2 and ENV3 of the Black Country Core Strategy and saved Policies GP2, ENV32 and ENV38 of the Walsall Unitary Development Plan. These collectively, and amongst other things, control telecommunications development and require that all development be of a high quality design which reflects its context and local distinctiveness. In this particular respect the proposal would also conflict with the aims of the Framework.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Samuel Watson

INSPECTOR