



Appeal Decision

Site visit made on 24 January 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/G4620/W/21/3278301

Corner of Crankhall Lane/ Freeman Road/ Friar Park Road/ Coronation Road, Wednesbury WS10 0EY

- 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 HUTCHISON UK LTD against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref AD/PD/21/01753, dated 11 April 2021, was refused by notice dated 11 June 2021.
 - The development proposed is a 15m phase 8 monopole C/W wraparound cabinet at base and associated ancillary works.
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Decision

1. The appeal is allowed and approval is granted, under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for the siting and appearance of a 15m high monopole mast, wraparound cabinet at base and associated ancillary works at the Corner of Crankhall Lane/ Freeman Road/ Friar Park Road/ Coronation Road, Wednesbury WS10 0FY in accordance with the terms of the application, Ref AD/PD/21/01753, dated 11 April 2021, and the plans submitted with it including 002 rev B, 210 rev B, 260 rev B, 302 rev B and 305 rev B.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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.

Planning policy

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 to be had to the development plan. However, I have had regard to the policies of the development plan 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 mast on the character and appearance of the surrounding street scene, 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

5. Crankhall Lane is a main route through a suburban residential area. The appeal site is at a confluence of several roads, including Price Road and Coronation Road. The site is within the wide footway. It is adjacent to the car park of a retail food store, which has no screening or landscaping within or around its perimeter. Opposite the food store is an area of open space enclosed by Freeman Road, Friar Park Road and Crankhall Lane. The site is therefore adjacent to commercial activity, away from immediate housing within an exposed location.
6. The proposed mast would be visible in long views along the principal roads through the area and would be taller than local streetlighting columns. It would be especially overt in views of the site from Price Road and Friars Park Road due to the flat and open character of the surrounding landform. However, it would not significantly contribute to street clutter being located within a spacious section of the footway and would not impede pedestrian flow. It would also not be within direct views of nearby residential properties. Furthermore, long views of the proposal would also take in the wider context of existing streetlights, bus shelters and roadside signage. This would integrate the mast, to some extent, with the local pattern of built development. Nevertheless, due to an absence of local screening and its height, the mast would result in moderate harm to the character and appearance of the area.
7. The Framework places importance on decisions that support the expansion of electronic communication networks. It states that new masts should be sympathetically designed. Such equipment should be consistent with the needs of consumers, the efficient operation of the network and provide reasonable capacity for future expansion.
8. The coverage map illustrates that the nearest mast is carrying a heavy data load and the cell is congested. This has resulted in gaps in coverage to the south of the existing mast that are within close proximity of the appeal site. The area therefore suffers pockets of poor coverage, particularly with respect to 5G services. The Appellant illustrates that coverage within the wider west Friar Park area is therefore limited. The coverage plan¹ illustrates a clear need for improved coverage in the area. Although the need for a mast is not required to be proven by the Framework an absence of coverage can be a material consideration.
9. The Framework also encourages the reuse and adaption of existing base stations. Furthermore, it states that proposals for new masts should evidence the possibility of erecting antennas on an existing building, masts or other

¹ Appellant's Site Specific Supplementary Information, figure 4

structures. This therefore establishes a sequential approach first favouring the reuse of existing sites.

10. The Appellant identifies that the upgrading of existing sites is not available. It is also asserted that the search area for a new site is extremely constrained due to the close-knit residential character of the area. In consideration of seven alternative base station locations, all within the immediate residential area, the appellant has suggested that no suitable alternative site exists. The alternative sites are in moderately less obtrusive locations. However, they have been discounted for reasonable reasons. It is therefore unlikely that a more suitable site would be more reasonably available than that proposed. Furthermore, given the surrounding features, I accept that the column's intended height is the minimum for effective operation.
11. Insofar as it is a material consideration, I have also had regard to policy SAD TEL 1 of the Site Allocations and Delivery Plan Document (2012). This policy, among other matters, seeks for the siting and appearance of new masts to minimise their impact on amenity. As I have found that the proposal would result in moderate harm to the local streetscene it would not fully accord with the requirements of this policy.
12. The proposed mast would be prominent in the street and be taller than the adjacent streetlights. The absence of screening would emphasise views of the proposed mast. Nonetheless, it would be assimilated into views of the local street furniture and would convey only moderate harm to the local street-scene. The absence of suitable alternative sites, the constrained nature of the area and the compelling need for local coverage is of great importance to the assessment of the case. In this case the Framework is of over-riding importance identifying that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

Other Matters

13. Many of the occupiers of the surrounding properties have objected to the proposal, and I have taken these submissions into account. The majority of objections relate to matters of siting and appearance, which I have considered above. I have also had regard to the comments made in the representations including issues such as health matters. However, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection guidance. Given this, government guidance is clear that decision makers should not set additional health safeguards and as such any concerns in this respect are not a reason to withhold planning permission.

Conclusion and Conditions

14. For the reasons given above, and having taken all other matters into account, I conclude that the appeal should be allowed, and prior approval granted. The approval granted for the mast, and its associated equipment, is subject to the standard conditions set out in the Order.

B Plenty

INSPECTOR