



Appeal Decision

Site visit made on 2 February 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/C3240/W/21/3281026

Randlay Avenue, Stirchley, Telford TF3 2LR

- 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 & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2021/0493, dated 9 May 2021, was refused by notice dated 14 July 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 prior approval is granted for a proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works at Randlay Avenue, Telford TF3 2LR in accordance with the terms of the application, Ref TWC/2021/0493, dated 9 May 2021 and the plans submitted with it including 002 Site Location Plan Issue B, 100 Existing Site Plan Issue B, 150 Existing Elevation A Issue B, 210 Proposed H3G Site Plan Issue B, 260 Proposed H3G Elevation Issue B, 302 Proposed H3G Antenna Schedule & Line Configuration Issue B and 305 Equipment Schedule & Support Structure Details Issue B.

Preliminary Matters

2. The name of the appellant company is spelt differently on the Application Form and Appeal Form. I have used the name as spelt on the former in this decision.
3. Although the description of development on the application form referenced a 20m monopole, the decision notice states that the appeal scheme has been amended. The amended plans show a 15m high monopole and the Council made their determination on this basis. I have amended the description of development to reflect this height and have proceeded to determine the appeal on this basis.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on this basis.
5. The principle of development is established by the GPDO and the provisions of the Schedule 2, Part 16, Class A of the GPDO do not require regard to be had

to the development plan. I have, though, had regard to the policies of the Telford & Wrekin Local Plan (Local Plan) and the National Planning Policy Framework (Framework) insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issue

6. I consider the main issue is the effect of the proposed development's siting and appearance upon the character and appearance of the surrounding area.

Reasons

7. The appeal site comprises part of a grass verge that is between two footpaths along Randlay Avenue. The grass verge areas extend along this section of Randlay Avenue, widening in some areas to form larger areas of open space which contain various planting and trees. The setting back of buildings behind these open spaces gives the area a verdant, spacious character.
8. The proposal would be higher than any existing buildings such as the school buildings to its rear and Randlay Community Centre nearby. There are however other vertical structures along Randlay Avenue that the proposal would be seen in the context of, such as streetlights. Whilst the proposed mast would be higher than these, and also higher than the trees to the rear, it would not be of a significantly greater height.
9. I appreciate that the trees are not immediately to the rear and are separated from the proposal by a fence, hedges and a footpath. The location of the appeal site on a grass verge would also result in the proposal being sited in an open area. I do not though consider that it would be unduly exposed given the wider landscaping, including the trees that would still be seen in the backdrop of the proposed mast from various vantage points along Randlay Avenue.
10. I appreciate that the surrounding development is relatively low in nature, but unlike the buildings around the appeal site, the proposed mast would have a slender form. The mast would be seen from some of the surrounding buildings including the Community Centre, the school and some residential properties, but any such views would be at an angle and the proposal would be separated from these uses by open space areas. I do not therefore consider that the mast at a height of 15m and not 20m as referenced in one comment, would appear as an incongruous feature in this location.
11. In conclusion, the proposal would not cause unacceptable harm to the character and appearance of the area. As such, the proposal would not conflict with Policy C 8 of the Local Plan or with the Framework which seek, amongst other matters, for telecommunications development to minimise impact on the visual amenity, character and appearance of the surrounding area. Consequently, I consider the siting and appearance of the proposal would be acceptable.

Other Matters

12. Some concerns have been raised that the proposal would be placed next to the exit from the School which has a high footfall and that it would hinder the view of the crossing when approaching from the Local Centre. As the proposal would be sited on a grass verge that is away from the vehicular carriageway, it would

not impede the flow of pedestrians nor unduly encroach on views of the crossing.

13. I note the various concerns and questions in relation to the potential effects on health and the proximity of the proposal to the School. The appellant has provided a certificate 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 health safeguards are not something which a decision-maker should determine.
14. I note that that the appellant submitted a pre-application enquiry but proceeded with a formal application before that was complete. It is also evident that the LPA and Hollinswood & Randlay Parish Council sought to work positively with the appellant in suggesting alternative sites. Comments have also been received by interested parties referencing a more suitable location for the proposal. Based on the information before me, I have no reason to doubt the need for a new site for this proposal and the adherence by the appellant to the sequential approach in considering existing base stations/structures, site sharing or installing on an existing building or tall structure. The appellant has also explored other options and set out reasons for discounting those alternative sites. As I have found the proposal to be acceptable in terms of its siting and appearance, it is not necessary for me to consider alternatives further.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that development must be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted.

F Rafiq

INSPECTOR