
Appeal Decision

Site visit made on 2 March 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/V4630/W/21/3284000

Ferrie Grove, Brownhills, Walsall

- 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 CK Hutchison Networks (UK) Ltd against the decision of Walsall Metropolitan Borough Council.
 - The application Ref 21/1087, dated 09 July 2021, was refused by notice dated 03 September 2021.
 - The development proposed is 20.0m 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 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. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for it to be sited as proposed taking into account any suitable alternatives.

Reasons

Character and appearance

5. The proposed installation would be located at the rear edge of a pavement adjacent to a busy traffic intersection, near to the junction of the intersection

with the northern end of the High Street. A large retail unit is located immediately to the south of the site and the traffic island to the intersection is to the north. The traffic island includes several mature trees and a metallic sculpture of a miner that is of considerable scale. The sculpture is a prominent local landmark that reflects the mining history of the area, making a positive contribution to the local distinctiveness of Brownhills. The sculpture's scale, cultural relevance, and prominence in many public views, creates a sense of place that is important to the character and appearance of the area.

6. Whilst the mast would be viewed in the context of surrounding street lights, large retail buildings, and trees, it would be significantly higher than those surrounding elements of the street scene. It would be materially thicker than the street lights, and the antennae would add an even bulkier element to the upper section of the structure. The monopole and its antennae would appear as a high, incongruous, and intrusive feature, often silhouetted against the skyline in prominent public views, including from the B4155, the A4124 and the A452. There would also be substantial intervisibility with the miner sculpture in public views, with the monopole appearing harmfully dominant in shared views with the sculpture.
7. The Council objects to the impact of the monopole on the amenity of the residential properties of 3A, 5, 7 and 11 High Street. Given the distance between the site and those properties, I am not persuaded the proposal would be visually imposing or overbearing to the occupants of those properties. Such lack of harm to these occupants does not, however, negate the harm identified above to the character and appearance of the area.
8. The purpose of the installation is to provide the appellant new 5G coverage thereby facilitating significantly improved connectivity for the target coverage area. Paragraph 115 of the Framework encourages the use of existing masts, buildings and other structures, stating where new sites are required, such as for new 5G networks, "equipment should be sympathetically designed and camouflaged where appropriate". I note the appellant has confirmed that they would be willing to accept conditions relating to the colour scheme utilised on the proposed equipment. However, such measures would not be sufficient to mitigate the harmfully incongruous and intrusive appearance of the proposal.
9. Paragraph 117 requires for a new mast or base station, evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. The appellant has followed a sequential approach resulting in the current proposal. The Council accepts that satisfactory evidence has been provided regarding the unsuitability of alternative sites. I have no substantive evidence before me that would lead me to disagree with the Council in this regard.

Planning balance

10. Chapter 10 of the Framework supports the provision of high-quality communications. Paragraph 114 of the Framework states that "advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being." Paragraph 114 also advises that planning decisions "should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections". The proposal would provide the public benefit of

improved connectivity in accordance with the economic and social objectives of the Framework.

11. The proposal would, however, result in an incongruous and visually intrusive addition to the street scene. The identified harm to the character and appearance of the area would be significant. That harm would not be outweighed by the social and economic benefits, or by the need for the installation to be sited as proposed, even taking in to account the evidence regarding the lack of suitable alternative sites.
12. The proposal would not, therefore, be acceptable in respect of its siting and appearance. The harm to the character and appearance of the area would conflict with the provisions of the Framework. Furthermore, the proposal would conflict with the design, character and telecommunication requirements of Policies ENV2 and ENV3 of the Black Country Core Strategy (2011), and Policies ENV32, GP2 and ENV38 of the Walsall Unitary Development Plan (2005). These policies, taken together, amongst other things, require development to properly take account of surroundings, responding to the identity of each place with high quality design.

Conclusion

13. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR