



Appeal Decision

Site visit made on 8 March 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022

Appeal Ref: APP/C3240/W/21/3283405

A4169 Lightmoor Way, Lightmoor, Telford, Shropshire TF4 3QQ

- 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 Hutchinson Networks (UK) Ltd against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2021/0745, dated 11 July 2021, was refused by notice dated 6 September 2021.
 - The development proposed is 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.
3. 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

4. I consider the main issue is the effect of the proposed development's siting on highway safety.

Reasons

5. The site is located within the highway verge, close to an A road (A4169) and a roundabout. It is located within a predominately urban area.
6. The Framework recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing. The Framework goes on to state that planning decisions should support the expansion of networks, including next generation mobile

technology such as 5G. The number of masts and sites for installations should be kept to a minimum consistent with the needs of customers and efficient operation of the network, and existing masts, buildings and other structures should be utilised. Where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.

7. There is an objection from the Highway consultee regarding the location of the appeal proposal and its proximity to the highway network, in terms of highway safety for vehicles. The concern is that it would be located very close to the roundabout. The consultee requested a safety audit as part of the process to alleviate its concerns. No such audit has been provided.
8. I find that without the assessment to satisfy the consultee, I cannot be convinced that highway safety has been properly taken into consideration and safety is not compromised in any form. As a result, I find that the appeal proposals are contrary to Policy C8 of the Telford & Wrekin Local Plan and the guidance set out in the Framework which collectively, amongst other matters, expects development to not have an unacceptable effect on highway safety.
9. The proposal would facilitate improved 5G coverage and capacity within the area which would, in line with the advice set out in the Framework, provide clear economic and social benefits to the local area. I have carefully considered the appellant's stated technical limitations in terms of cell size, height of monopole and the drive to improve service and coverage.
10. The social and economic benefits arising from these factors carry considerable weight. However, the appellant's Appeal Statement focuses heavily on matters of character and appearance rather than the highways issues as stated in the reason for refusal. I cannot therefore be certain that the site selection process was sufficiently robust or not misdirected in this respect, or that the location was the best available.
11. Nor is it a matter of dispute between the main parties that there would be no harm to the character and appearance of the surrounding area arising from the proposed development. The appellant's appeal statement spends considerable time setting out the absence of harm in these respects but is not a point on which the Council found harm. I have no further evidence before me which would lead me to a different conclusion, but the absence of harm is a neutral factor which neither weighs in support of, nor against, the proposal.

Conclusion

12. There would be benefits from upgrading of the telecommunications infrastructure, which would be in line with the Framework's guidance on the importance of high-quality communications.
13. However, it has not been demonstrated that highway safety has been taken into consideration sufficiently to mitigate against any shortcomings of the site, and as a result, I consider that the appeal should be dismissed.

Paul Cooper

INSPECTOR