



Appeal Decision

Site visit made on 8 March 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/Q4625/W/21/3284865

Stratford Road, Hockley Heath, Solihull B94 6NT

- 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 Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/02008/PN, dated 11 July 2021, was refused by notice dated 16 September 2021.
 - The development proposed is an 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.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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 nevertheless had regard to the policies of the development plan and to the National Planning Policy Framework only in so far as they are material to matters of siting and appearance.
4. Permitted development rights for Part 16 development apply in the Green Belt. Therefore, although constituting the Council's second reason for refusal, the principle of development and whether or not the proposal represents inappropriate development in the Green Belt is not a matter for consideration within this appeal.

Main Issue

5. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area and the setting of grade II listed buildings, 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

6. The appeal site is located alongside a relatively busy main road that runs through Hockley Heath (A3400). A path runs alongside the grass verge on which the proposal would be sited. Views of the proposal would be in passing rather than it being a particular focal point. Whilst there are residential properties in the vicinity, these do not directly overlook the appeal site. The road is flanked by agricultural fields that are bound by a mixture of mature hedging and trees. The site therefore has a rural feel.
7. There are a number of mature trees in the field boundary alongside the site and there are street lamps along the road. Consequently, whilst the proposed monopole would be taller than those existing vertical features, its height would not appear unduly prominent in the street scene. In addition, the presence of lower level signage close to the appeal site, means that it is not entirely open and free from clutter.
8. However, the street lamp posts and existing signage posts, as well as the rear of the roadside signs, are mostly dark green. This helps them to blend in with their countryside setting. In contrast, the cabinets would be grey and the proposed monopole would be galvanised. The proposed colour of the mast in particular would appear stark and at odds with its countryside location and the predominance of dark green signs and lampposts here.
9. Notwithstanding that the appellant has stated their willingness to accept a condition amending the colour scheme, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions. Moreover, the appeal process should not be used to evolve a scheme.
10. The appeal site is on the same side of the road as grade II listed properties at 2301 and 2303 Stratford Road. These face on to the road and are set back slightly from it. Therefore they do not overlook the appeal site and are separated from it by a stretch of the pavement and intervening field. Given the degree of separation, the presence of other existing vertical structures and items of street furniture in the vicinity, and as there is nothing to indicate that the site has a particular historic resonance with the buildings other than being a small part of a very broad setting, I consider that the proposed siting and appearance of the proposal would not harm the setting of these listed buildings.
11. However, the siting and appearance of the mast as proposed would harm the character and appearance of the area, appearing as a conspicuous and intrusive addition to its countryside setting. In so far as the policies are a material consideration, the proposal would be contrary to Policy P14 of the Solihull Local Plan (December 2013) (Local Plan) which requires regard to be had to the impact of telecommunications developments on its surroundings. It would similarly be contrary to Policy P15 and P16 of the Local Plan which require that proposals protect the character and local distinctiveness of their surroundings.
12. I note the alternative locations considered by the appellant and reasons given for discounting each of those. Given the harm to character and appearance that I have identified, such alternatives must be robustly explored to determine the likelihood of there being less harmful alternatives to the appeal scheme. The

appellant's appeal statement refers to a designated search area, outside of which it is stated that the required 5G coverage would not be achieved.

13. However, no signal coverage maps are provided to demonstrate the basis on which the area of search was identified. Without such information, it is unclear whether or not the search area could be widened to include other potentially more suitable sites. Furthermore, the reasons given for discounting sites that were considered unsuitable are very limited. Consequently, the apparent lack of suitable alternative sites has not been robustly demonstrated.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR