



Appeal Decision

Site visit made on 10 May 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/G4620/W/21/3287249

Crankhall Lane, Stone Cross, Wednesbury, Sandwell WS10 0HR

- 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 Sandwell Metropolitan Borough Council.
 - The application Ref PD/21/01886, dated 21 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is a 20.0m phase 8 monopole c/w wrapround 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) (the GPDO) for the siting and appearance of a 20.0m phase 8 monopole c/w wrapround cabinet at base and associated ancillary works at Crankhall Lane, Stone Cross, Wednesbury, Sandwell WS10 0HR, in accordance with the application ref: PD/21/01886, dated 21 August 2021, and the plans submitted with it including: 002 Site Location Plan (issue A); 210 Proposed Site Plan (issue A); 260 Proposed Elevation (issue A); and 302 Proposed Antenna Schedule & Line Configuration (issue A).

Preliminary Matters

2. The provisions of the 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.
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 the National Planning Policy Framework (Framework) only in so far as they are material to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting of the proposed installation on parking provision.

Reasons

5. The appeal site is on a wide area of pavement on Crankhall Lane, close to the junction with Johnson Road. The pavement is currently used as informal parking and a number of vehicles were parked there at the time of my mid week, mid morning site visit. Double yellow lines are in place along Crankhall Lane and Johnson Road in the immediate vicinity of the appeal site. There is limited on-street parking further along Crankhall Lane, subject to time limit restrictions, in between dropped kerb accesses to premises behind.
6. The proposed monopole and cabinets would be located in line with an existing streetlight that is positioned on the pavement. The proposed cabinets would range from around 520mm to 750mm in depth. The proposed site plan indicates that there would be close to 4m between the front edge of the cabinets and the carriageway. The proposed orientation of the cabinets parallel with the road and alongside the monopole would consequently retain sufficient space for vehicles to manoeuvre and park. No robust evidence is before me to the contrary.
7. Although parking is clearly at a premium in the vicinity of the site, the proposed installation would occupy a small proportion of the available space. In addition, I see no reason to indicate that the proposal would prevent occupiers of the commercial premises from continuing to use the space, and the dropped kerb accesses, for parking, loading and unloading. Whilst staff of these premises may currently use the pavements for parking, there are other opportunities for on-street parking in the vicinity of the site and wider area. Consequently, the siting of the proposal would be acceptable with respect to parking provision.

Other Matters

8. I acknowledge the concern raised by an interested party in respect of the potential of the proposal to attract vandalism. However, given the position of the appeal site in a highly visible and well-trafficked location, I am not persuaded that the proposal would directly and demonstrably increase the risk of anti-social behaviour here.

Conditions

9. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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

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

Rachel Hall

INSPECTOR