



Appeal Decision

Site visit made on 16 August 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday 14 September 2022

Appeal Ref: APP/K3415/W/22/3296402

Coleshill Road, Bullock's End, Drayton Bassett, Fazeley, Lichfield B78 3SA

- 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 Lichfield District Council.
 - The application Ref 21/01674/TCN, dated 19 September 2021, was refused by notice dated 5 January 2022.
 - The development proposed is a 15.0m 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 the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (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 to 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.
4. The appellant considers that the installation of the proposed cabinets on their own constitutes permitted development, and hence could be carried out on site without prior approval. Notwithstanding this position, this is not for me to determine as part of the appeal. I have therefore assessed the scheme based on the description of the development and the plans submitted, which for clarity, includes the proposed monopole, wrapround cabinet and associated ancillary equipment as indicated on the proposed plans.

Main Issue

5. Within the terms set by legislation, the main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

Reasons

Character and Appearance

6. The appeal site is located on a grass verge positioned between Coleshill Road and a pedestrian footway. It is adjacent to a traffic junction for the entrance and exit to Drayton Manor Business Park and near to the pedestrian and vehicular entry to Drayton Manor Theme Park. The appeal site is also located within the Green Belt.
7. The appeal site lies near the edge of the business park, which is set back from the road and screened by trees. A row of residential properties are located on Coleshill Road near to the site. However, the trees on the roadside and the nearby canal and fields give the area a semi-rural feel.
8. A pallisade fence, vegetation and mature trees form the boundary treatment to the business park, positioned to the rear of the footway. There is also a grass verge area located opposite the appeal site on the other side of the business park entrance. The two grass verge areas are set forward of the business park entrance and create a sense of openness.
9. The proposed monopole mast and cabinet equipment would be sited on the appeal site grass verge. Whilst there are a number of vertical features in the immediate vicinity of the appeal site, the proposed monopole mast would be considerably higher than the existing street furniture in this section of Coleshill Road. It would be evidently thicker than the existing signage poles and nearby streetlight, and the antenna apertures at the top of the mast would add to the bulk of the structure at its highest point. The substantial height of the pole would be further pronounced by its prominent position on the grass verge, which would be forward of the footway, business park entrance, and the existing street furniture. The proposed monopole mast and cabinet equipment would also result in an increase in ground coverage compared to the existing situation. The siting and appearance of the proposal would therefore appear at odds with the open character of the grass verge and would be visually imposing, particularly for passers-by using the footway and Coleshill Road.
10. Given the appeal site's separation distance from existing built development, the proposal would appear as an unduly prominent and incongruous structure within its semi-rural setting. The utilitarian appearance of the mast would detract from the semi-rural context of the site provided by the trees and nearby open fields.
11. Whilst the proposal is positioned near to a backdrop of mature trees that would be of similar height to the proposed monopole mast, the proposal would be positioned significantly forward of these trees. Therefore, the existing vegetation would not screen the proposal when viewed from public views from either the pedestrian footway or Coleshill Road. Furthermore, the backdrop of trees is deciduous and during the winter months would not provide the same level of screening as it does during times when it is in leaf. During this time, the proposal would appear as a highly prominent and obtrusive piece of street furniture.
12. The appellant has confirmed that they would be willing to accept conditions relating to the colour of the scheme utilised on the proposed equipment.

However, such measures would not be sufficient to mitigate the dominating impact of the proposal.

13. I acknowledge that the appellant has stated that the height of the column, at 15 metres, is the lowest possible height that will enable 5G coverage to be delivered to the area in an efficient manner. Whilst this may be the case, it does not outweigh the harm I have found to the character and appearance of the area.
14. For the reasons given, the proposal would cause unacceptable harm to the character and appearance of the area and would fail to accord with the design objectives of the Framework. In addition, the proposal would be contrary to Policies CP3 and BE1 of the Lichfield District Local Plan Strategy 2008-2029 (adopted 2015). These policies, amongst other things, seek to ensure new developments respect the character and distinctiveness of the surrounding area in terms of layout, size, scale, design and public views.

Suitable Alternatives

15. Paragraph 117 of the Framework explains that applications for telecommunications development, including prior approval, should be supported with the necessary evidence to justify the proposed development. This should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
16. Several sites have been considered by the appellant prior to the appeal site being selected. These sites have all been discounted by the appellant. For example, one of the sites has been discounted because it is located on a private road. However, there is no evidence to demonstrate that this option has been investigated and given further consideration.
17. I acknowledge that the 5G cell search area is very constrained. However, the evidence provided for dismissing the discounted sites is vague, lacks justification and is not readily interrogatable. Furthermore, there is no clear quantification in the evidence before me as to the specific benefits of the appeal scheme in terms of improving cell coverage. Given the prominent location of the proposed site, it has not been sufficiently demonstrated that the discounted sites would be more harmful.
18. Consequently, from the evidence submitted, I am not satisfied that a robust review of alternative site options within the cell search area has been undertaken to demonstrate that the appeal site represents the only viable option.
19. The proposal would be contrary to the aims of the Framework, as set out above, which requires evidence to demonstrate that alternative sites have been explored.

Other Matters

20. The appellant refers to the Council, Ward Councillors and other key stakeholders not responding to a pre-application consultation. However, the Council dispute this and state that no formal pre-application was sought by the appellant via the Council's pre-application process and no fee paid. That is a matter for the appellant to address with the Council and those key stakeholders

concerned. It does not alter my findings with regard to the siting and appearance and the resultant impact on the character and appearance of the area.

21. The proposal would improve telecommunication services in line with the Government's aspiration to provide universal 5G coverage and would support the development and roll-out of 5G across the area. It would also accord with the Government's Planning for Growth objectives and provide an improved level of service (access and speed) to a multitude of users. However, it has not been robustly demonstrated that similar benefits could not be achieved via an alternative and less harmful approach.
22. I have had regard to other benefits of the proposal as advanced by the appellant including how the proposal would contribute to the delivery of sustainability and support economic growth, social well-being, and health in the local area. It would provide an enhanced level of electronic communication service for transient users, businesses, and residents alike. However, as siting and appearance are the only relevant matters in this prior approval appeal, these benefits cannot weigh in favour of the proposal.
23. The proposal would be acceptable in terms of highway safety and would cause no harm to features of nature conservation or historic interest. Also, it would have no effect on the living conditions of occupiers of nearby properties. However, acceptability in these regards is a neutral factor that does not weigh in support of the proposal.
24. Consequently, no other matters alter the foregoing reasoning that the development proposed would be unacceptable.

Conclusion

25. For the reasons given above, I conclude that the appeal is dismissed.

Helen Smith

INSPECTOR