



Appeal Decision

Site visit made on 16 November 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2022

Appeal Ref: APP/X3405/W/22/3298380

Burntwood Road, Norton Canes, Cannock Chase WS11 9TD

- 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 (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by CK Hutchinson Networks (UK) Ltd against the decision of Cannock Chase District Council.
 - The application Ref CH/21/0418, dated 11 October 2021, was refused by notice dated 2 December 2021.
 - The development proposed is Prior Notification for Proposed 5G Telecoms Installation: H3G Phase 8 15m high slimline street pole c/w wrap-around cabinet and 3 No. further equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural 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 (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. In light of the above, the main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located close to the junction with Burntwood Road and Brownhills Road, which is controlled by traffic lights. The proposal would see the erection of a 15m mast with accompanying cabinets. The locality is a mix of commercial and residential development of varying styles and designs. There is a general suburban nature to the character of the area, and street furniture is restrained and not in the ascendancy.

6. Paragraph 114 of the National Planning Policy Framework (the Framework) states that such telecommunications development is essential, and the expansion of electronic networks should be supported, including the next generation of mobile phone technology. Based on the guidance in the Framework, there would be public benefits from the proposal.
7. Paragraph 117 of the Framework states that evidence must be supplied to demonstrate that alternatives have been taken into consideration. I am satisfied, based on the evidence before me, that a sufficiently robust investigation as to possible alternatives has taken place.
8. In this case, the appellant's evidence demonstrates that there is a need for a new mast in the area, in order to cater for the forecast rapid increase in demand for mobile services in the future. In accordance with the advice at paragraph 118 of the Framework, the Council does not question the need for improved coverage
9. On the evidence before me, the development would comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As such, the Framework advises that health safeguards are not something which a decision-maker should determine. No substantive evidence is before me to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified. I also note that the Council did not object to the development for these reasons.
10. The appellants state that the proposed mast would facilitate Fifth Generation (5G) connectivity. The proposal would be easily visible and tower above the existing surroundings when seen in its context. Although it could be argued that the mast is a slim, unfussy design, it would be considerably taller than any of the nearby street furniture and the utilitarian appearance would not fit well into this pleasant environment.
11. The scale of the mast is strident, industrial in nature and has the external appearance of a structure more often seen in industrial areas and would be harmful to the local context of residential and commercial development. The mast would appear dominant in the locality and be harmful to the character and appearance of the area.
12. From close viewpoints, the entire structure would be visible. It would be an unattractive and dominating feature. The scale and design of the installation would be incongruous in this setting. Consequently, regardless of the colour finish that could be used on the equipment, I conclude that the siting and appearance of the proposal would significantly harm the street scene and the character and appearance of the area.
13. The Framework recognises that planning decisions should support the expansion of electronic communications networks and the appellant has provided evidence to justify the proposed development. However, I have found the siting and appearance of the development would result in harm to the character and appearance of the area, which is not outweighed by these other considerations.
14. I find the proposal to be in conflict with the design and setting aspirations set out in paragraph 130 of the Framework.

15. Whilst not determinative, I also find conflict with policy CP3 of the Cannock Chase Local Plan Part 1 (2014) which expects development, amongst other matters, to relate well to, and have an understanding of, the context of the site.

Planning Balance and Conclusion

16. I have taken into account the economic and social benefits of the proposal, and the supporting documentation provided that demonstrate the merits of an effective communications network. Nonetheless, I do not find these benefits outweigh the harm that would be generated by the siting of the mast and associated works in such a location.
17. For the reasons set out, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR