



Appeal Decision

Site visit made on 11 October 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/C3240/W/22/3296966

Land at the junction of Wrekin Road and Haygate Road, Wellington

TF1 1SG

- 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 MBNL (EE (UK) Ltd and H3G (UK) Ltd) against the decision of Telford and Wrekin Council.
 - The application Ref TWC/2021/0876, dated 19 August 2021, was refused by notice dated 13 October 2021.
 - The development proposed is 'installation of a 20m high monopole supporting 12no. antenna apertures & 2no. transmission dishes, along with the installation of 7no. ground-based equipment cabinets and development ancillary thereto'.
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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) for the siting and appearance of the installation of a 20m high monopole supporting 12no. antenna apertures & 2no. transmission dishes, along with the installation of 7no. ground-based equipment cabinets and development ancillary thereto at Land at the junction of Wrekin Road and Haygate Road, Wellington TF1 1SG in accordance with the terms of the application Ref TWC/2021/0876, dated 19 August 2021, and the plans submitted with it including: 002 Site Location Plan (Issue B); 215 Max Configuration Site Plan (Issue B); and 265 Max Configuration Elevation A (Issue B).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, 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. Part 16 of the Order establishes that the proposal is permitted development and therefore it is accepted in principle by virtue of the legislation. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies C8, BE1, BE4 and BE5 of the Telford and Wrekin Local

Plan 2011-2031 (January 2018) (Local Plan) are material considerations as they relate to issues of siting and appearance.

4. In particular, Policy C8 offers support for telecommunications development where it has been demonstrated that the potential to erect the apparatus on existing buildings, masts or structures has been explored, the proposal would minimise the visual impact and its effect on the surrounding character of the area, and avoid unacceptable effects including on heritage assets. Policy BE1 sets out design criteria. Policy BE4 requires any harm to the setting of listed buildings to be clearly justified and Policy BE5 supports proposals that would preserve or enhance the character or appearance of the Conservation Area. Similarly, the National Planning Policy Framework is also a material consideration and this includes a section on supporting high quality communications.

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, including the setting of Wellington Conservation Area and the setting of a grade II listed building, The Mount, and if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account suitable alternatives.

Reasons

6. Wellington Conservation Area (the Conservation Area) is focussed on the market town with its medieval street pattern and extends to the north and south of the railway line. The market square is a focal point both visually and as a centre of activity. All Saints' Church is also a prominent building, positioned on higher ground. Insofar as it relates to this appeal, the significance of the Conservation Area is primarily derived from its historic role as a market town, its historic street pattern and the range of period properties.
7. The appeal site is separated from the Conservation Area by a relatively busy road (Wrekin Road), and the traffic light controlled junction. The area around the appeal site has a commercial character with the adjacent warehouse style retail units and opposite car showroom and service centre. The appeal site comprises an area of grass set back from the road behind the pavement. In the relatively limited views of the site from the edge of the Conservation Area it therefore reads as a wide grass verge. Whilst a welcome area of green amongst the surrounding buildings, the site makes very little contribution to the significance of the Conservation Area and its setting.
8. Given the site's position near a busy road and junction, views of the proposal would often be in passing rather than it being a particular focal point. Its position set back from the pavement would also limit its prominence on approach from Wrekin Road. Due to its slender form, the proposed mast would occupy a very small proportion of any views into and out of the Conservation Area. It would appear taller than other street furniture and existing trees. However, the existence of mature landscaping to the rear of the site would help soften its appearance to a certain extent. The presence of lower level signage close to the appeal site means that it is not entirely open and free from clutter. The footprint of the proposal would be small, meaning that most of the grass

on site would be retained. As such, the appeal site would still have a greening effect amongst the existing built development.

9. Therefore, given the degree of separation between the proposal and the Conservation Area, the general commercial character of the area, the small footprint and profile of the proposal, and its position set back from the road, its siting and appearance would not harm the setting of the Conservation Area. Furthermore, although the proposal would not appear to enhance its surroundings, it would not harm the character and appearance of the surrounding area.
10. The Mount is a grade II listed building to the rear of the site. A proportionate assessment of its significance is provided in the appellant's appeal statement. It is a substantial three storey property comprised of three bays, each with large sash windows. The central bay is red brick and is pedimented with a central, round arched doorway. It fronts on to Haygate Road but is well set back from it behind a retaining wall, wide area of grass, driveway and landscaping. Mature trees line the road edge. Insofar as it is relevant to this appeal, the significance of The Mount primarily derives from its architectural and historic interest as a noteworthy building associated with the market town.
11. The appeal site adjoins the side boundary of The Mount, separated by substantial planting, including mature shrubs and trees. This forms a backdrop to the appeal site and separates it from the grounds of The Mount. Consequently, the appeal site appears as a separate parcel of land. A side access to The Mount runs along the side of the appeal site from Wrekin Road. This provides a direct view of the side of The Mount which would be unaltered by the proposal. Therefore, whilst within its setting the appeal site makes a very limited contribution to the significance of this asset.
12. Orientation of The Mount is such that it would not directly overlook the proposal. Accordingly, the proposal would not interfere with views of The Mount from Haygate Road. Visibility of The Mount from its side access on Wrekin Road would also be uninhibited by the proposal. The proposal would be visible in views of The Mount from the junction between Haygate Road and Wrekin Road. However from there, the architectural quality and historic interest of The Mount is largely screened by its mature landscaped boundaries.
13. Furthermore, although the Council indicate that the appeal site has been specifically kept free from development, there is nothing to indicate that the site has particular historic resonance with The Mount other than being a small part of a broad setting. Accordingly, I consider that the siting and appearance of the proposal would result in only limited harm to the special historic interest of The Mount. This would equate to less than substantial harm.
14. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 202 goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset, that harm should be weighed against the proposal's public benefits.
15. The proposal is required to replace an existing radio base station that is to be lost due to redevelopment of that site. The proposed mast is therefore required to replace the 2G, 3G and 4G coverage provided by the base station to be

removed, along with providing new 5G coverage. There is no basis to question the appellant's contention that the equipment is necessary to achieve the required standard of network coverage, or that the mast's dimensions are the minimum possible. Furthermore the Council does not dispute the need for the development and the benefits that 5G connection would bring.

16. The proposal is intended to deliver improvements to the speed, reliability and capacity of the mobile internet connectivity. Therefore the development would provide extensive social and economic benefits to individuals, businesses, and public services, including education and healthcare. The Framework paragraph 114 highlights the importance of advanced, high quality and reliable communications infrastructure for economic growth and social well-being.
17. In addition, the Appellant indicates that they have considered alternative sites for the proposal but that these were not suitable for several reasons. I am satisfied that the appellant has demonstrated that there are no suitable alternative sites that would be more favourable in respect of the effect of the proposal on designated heritage assets. This factor therefore weighs heavily in favour of the proposal. The Council has not raised any specific concerns on the reasons given. Accordingly, I find that the considerable public benefits of the proposal would outweigh the harm to the significance of The Mount.

Conditions

18. 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

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

Rachel Hall

INSPECTOR