



Appeal Decision

Site visit made on 7 March 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/V4630/W/22/3304924

Pinfold Health Centre Streetworks, Pinfold, Blakenhall Heath, Bloxwich, Walsall WS3 3JL

- 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 Walsall Metropolitan Borough Council.
 - The application Ref 22/0657, dated 19 May 2022, was refused by notice dated 24 June 2022.
 - The development proposed is the installation of a 15 metre high monopole supporting 6no. antennas, 4no. equipment cabinets (including a wrap around cabinet) and development works ancillary thereto.
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Decision

1. The appeal is dismissed.

Procedural 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 however 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. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm is identified, whether it would be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

5. The appeal site forms part of the of the footpath on the northern side of High Street which contains some items of street furniture including streetlights and

telegraph poles. The site is located near to the junction with Pinfold and is immediately adjacent to Pinfold Health Centre. The surrounding area comprises a mixture of commercial premises and residential properties, with a car park and small landscaped area located on the opposite side of the junction with Pinfold.

6. The appellant states that the height of the proposed monopole is the minimum to technically meet their needs. Whilst this may be the case, it nevertheless would be noticeably taller than existing street furniture and neighbouring buildings. I also observed during my site visit that the two trees shown on the submitted plans to be located on an adjacent site had been removed, resulting in there being no meaningful screening of the proposed development.
7. Thus, even though the slimline design and external colour of the monopole and associated cabinets have been chosen to assist with their assimilation into the street scene, and the development designed to be installed alongside public roads, it would still be readily visible when viewed from various vantage points. Particularly when viewed from either direction along High Street, it would appear excessive in scale and an unduly prominent and intrusive feature that would fail to integrate well with its surroundings.
8. The visual prominence of the proposal would be further exacerbated by the location of the appeal site. The built form immediately around the site is relatively sparse with the majority of existing buildings being of modest height, including the adjacent Health Centre which the proposal would be set against. Furthermore, in addition to the car park on the opposite side of Pinfold, the parcel of land immediately to the west of the site has been cleared of any buildings and is therefore vacant and open. By virtue of this lack of built form, and its location near to the junction of High Street and Pinfold, the appeal site occupies an open and prominent position.
9. Accordingly, having regard to its siting and appearance, the proposed development would cause harm to the character and appearance of the area. In so far as they are a material consideration, the proposal would be contrary to saved Policies GP2, ENV32, and ENV38 of the Walsall Unitary Development Plan (adopted March 2005), and Policies ENV2 and ENV3 of the Black Country Core Strategy (adopted February 2011). These policies, amongst other matters, seek to ensure that developments properly take account of their surroundings, responding to the identity of each place with high quality design, and have no adverse effect on the visual amenity of the area. For similar reasons, insofar as it is a material consideration, the proposal would also be contrary to Chapter 12 of the National Planning Policy Framework (the Framework) which seeks to secure high quality design.

Alternative Sites

10. 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.
11. Five alternative sites within the search area have been considered and discounted, for reasons including buildings being too low to provide the

required coverage, and a busy commercial site having no space to accommodate the installation. However, any detail beyond these headline reasons is absent. Furthermore, despite the commercial nature of much of the surrounding area very few alternative ground-based sites were looked at and considered. Without a comprehensive assessment of these alternatives, I am unable to conclude that less harmful alternatives have been fully explored.

12. Even accounting for the constrained search area and the importance that the Framework places on the need for high quality mobile communications, the need for installation in the particular location proposed has therefore not been sufficiently demonstrated to outweigh the harm to the character and appearance of the area.

Other Matters

13. I note the Government's support for expansion of electronic communications networks. However, such equipment should also be sympathetically designed. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Conclusion

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

David Jones

INSPECTOR