



Appeal Decision

Site visit made on 9 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/Y3425/W/23/3322215

Land at Corner of Woodlands, Tillington, Stafford, Staffordshire ST16 1JJ

- 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 for and of behalf of Three UK Ltd against the decision of Stafford Borough Council.
 - The application Ref 22/36582/PTEL, dated 17 August 2022, was refused by notice dated 22 November 2022.
 - The development proposed is installation of a new 20-metre-high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets and ancillary development thereto.
-

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) Order 2015 (as amended) for the siting and appearance of the installation of a new 20-metre high monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, the installation of 3 no. new equipment cabinets and ancillary development thereto at land at the corner of Woodlands, Tillington, Stafford, Staffordshire ST16 1JJ in accordance with the terms of the application Ref 22/36582/PTEL, dated 17 August 2022, and the plans submitted with it including Master Drawing No 1199429_STD061_28619_ST0397_M001 Issue A.

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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies N1 and N8 of The Plan for Stafford Borough 2011 -2031, Adopted 19 June 2014 are material considerations insofar as they relate to issues of siting and appearance.
4. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is also a material consideration to this appeal, including its section on supporting high quality communications. Having

considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any measures to minimise the impact of the development and any suitable alternatives.

Reasons

6. The proposed installation would be sited in an area of grass verge on the corner of Eccleshall Road and Woodlands Road and between Eccleshall Road and a service road that serves residential properties. Most of the buildings in the area are two-storey except for a three-storey apartment block on the corner of the service road and Woodlands Road. The grass verge contributes positively to the character and appearance of the area by providing the junction and its immediate surroundings with an open and verdant feel.
7. A slim 11.5 metres high existing telecommunications pole is in situ on the grass verge adjacent to the Eccleshall Road footway. In the context of lampposts, telegraph poles, road signage and street trees in the vicinity, plus the backdrop of the three-storey apartment block, it does not appear unduly intrusive in the street scene.
8. Conversely, the proposed replacement pole would be 20 metres high and sited adjacent to the service road. This would be significantly taller and wider than the existing pole, be set further back from the trees alongside Eccleshall Road and tower above the apartment block. It would also be noticeably higher than the surrounding trees and lampposts and as such appear as a large, visually intrusive and incongruous feature in this residential area. Its bulk and top heavy appearance created by the number of antennas would exacerbate its appearance. The installation would also create a profusion of equipment cabinets within the grass verge by not only adding the wrap around cabinet to the pole but three other new cabinets and the retention of two of the existing cabinets. These would not only reduce the open and verdant appearance of the grass verge but also create clutter at street level. The photomontage submitted with the appeal documents does not persuade me otherwise.
9. Notwithstanding this, I appreciate that the design of the existing pole was commensurate with the technologies of the time and smaller, slimmer and more lightweight antennas are not compatible with the newer 3G, 4G and 5G technologies. Furthermore, the appellant explains that the existing equipment provides 2G, 3G and 4G coverage for EE but only 3G coverage for H3G UK and can only accommodate 4G technology for one operator. The appellant also states that ICNIRP¹ guidance for the latest 4G and 5G technology could not be

¹ International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines.

followed at the existing pole's height. The replacement equipment would be able to provide 3G, 4G and 5G coverage for both operators.

10. Upgrading the existing telecommunications site would be consistent with paragraph 119 of the Framework in terms of keeping to a minimum the sites for such installations. Moreover, the Framework encourages the use of existing masts, buildings and other structures for new electronic communications capability. In this case, the proposal would be located within the vicinity of the existing telecommunications installation and utilise two of the equipment cabinets. The existing pole would be removed once the new one was in operation.
11. The Framework goes on to state that where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate. The appellant states that the proposed pole is the slimmest design possible to enable the multi-technologies to be supported. The proposed antennas would be unshrouded for technical reasons, in particular the higher frequency 4G antenna are unable to operate effectively through the Glass Reinforced Plastic that a shroud is typically made up of. Timber cladding has also been considered as a camouflage option as it has been used elsewhere in the area but this also has implications for the effective functioning of antenna.
12. Alternative design solutions, suggested by the appellant, could be a lattice mast, headframe arrangements, or replica telegraph poles. Lattice masts are substantial structures set within dedicated and secure compounds. Such a structure has been discounted by the appellant due to the unsuitability of the site due to the space required at ground level together with the visual appearance of such a structure in this location. The appellant also explains the arrangement of antenna fixed to a mast in a variety of configurations. These headframe configurations can be fixed to a lattice structure or a monopole such as the structure proposed. This was discounted as it would introduce a bulky headframe at the top of the pole and the appellant considered that as this is not a feature in the locality.
13. The third alternative referred to by the appellant is a replica telegraph pole but whilst having the advantage of having a low profile, their size limits the number and type of antenna that can be installed. In particular, such structures are not capable of delivering next generation 5G coverage which would fail to meet the appellant's operational brief of enhancing 3G, 4G and accommodating future 5G coverage.
14. There is an existing streetworks installation approximately 150 metres to the south-east of the appeal site on Eccleshall Road. This includes a 20 metre high mast operated by Vodafone and provides 3G and 4G coverage. The appellant has considered whether this could be upgraded. However, such an upgrade was discounted on the grounds of lack of space at ground floor level for the 5 equipment cabinets and the existing mast was not capable of providing the appellants antenna at a height that would have constituted a viable upgrade.
15. From the evidence presented to me, the proposed height of the telecommunications pole and the antennas that it would support cannot be camouflaged if the new installation is to provide the intended coverage. The pole would be finished in a light grey colour and the cabinets green which I do

not take any particular issue with. The Council has not disputed the appellant's evidence regarding alternative designs.

16. The appellant has demonstrated that an installation is required in this area to provide network coverage, the search for alternative sites is constrained by the purpose of the proposal to replace existing infrastructure, and alternatives have nevertheless been considered insofar as the nearby installation has been reasonably discounted. Moreover, the Council has not disputed the location of the development or suggested that alternative locations may be more appropriate but is silent on this matter.
17. The proposal is required to facilitate the rollout of 5G technology and to improve 2G, 3G and 4G services in this area as part of the continued network improvement program by the operator and paragraph 122 of the Framework makes clear that need for electronic communications systems should not be questioned. Therefore, whilst I consider that the installation would have a harmful effect on the character and appearance of the area, the appellant has demonstrated why alternatives designs and/or camouflaging is not possible in this instance. Under the prior approval procedure, the principle of the development is established and therefore the installation must be sited somewhere in the target area. I am satisfied that alternative designs on this site are not possible. Furthermore, on the basis of the evidence submitted, I cannot but conclude that there is not an alternative that would have a less harmful impact than the proposal.
18. Consequently, the harmful effect of the proposal on the character and appearance of the surrounding area is outweighed by the need for the installation to be sited as proposed taking into account the measures to minimise the impact of the development and the lack of any suitable alternatives.

Conditions

19. 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

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

J D Clark

INSPECTOR