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# Appeal Decision

Site visit made on 3 April 2024

**by K Stephens BSc (Hons) MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 April 2024**

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**Appeal Ref: APP/X3405/W/23/3322924**

**Salop Drive Street Works, Salop Drive, Cannock Chase WS11 8EZ**

- 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 Cannock Chase District Council.  
The application is Ref CH/22/0451.
  - The development proposed is 5G telecoms installation: H3G 15m phase 9 street pole and additional equipment cabinets.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In its appeal statement the appellant refers to the application being refused by Sheffield City Council. This would appear to be a typographical error as other references correctly refer to Cannock Chase District Council.
3. In the appellant's Site Specific Supplementary Information (SSSI) document submitted with the application and in the subsequent appeal statement, the appellant refers to the most recent National Planning Policy Framework (the 'Framework') as being that from February 2019. This is incorrect. When the application was submitted in December 2022, the most recent version of the Framework was dated July 2021. Whilst Framework policies material to supporting high quality communications (in Chapter 10) had not fundamentally changed, paragraph numbers had. With regards to design (in Chapter 12) the 2021 Framework introduced the requirement to create "beautiful" buildings and places and makes reference to the National Design Guide, again with different paragraph numbering.
4. During the course of the appeal a further revised Framework was published on 19 December 2023<sup>1</sup>. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.

## Procedural Matters

5. The principle of the proposed development is established by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

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<sup>1</sup> The Framework was first published in March 2012. It was revised July 2018 and updated February 2019. It was further revised July 2021, September 2023 and again on December 2023.

amended) (the 'GPDO') under Article 3(1) and Schedule 2, Part 16, Class A. These provisions require telecommunication proposals to be assessed solely on the basis of their siting and appearance, taking into account any representations received. I have had regard to the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

### **Main Issue**

6. 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 would occur whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

### **Reasons**

7. The proposed telecommunication installation is intended to provide new 5G coverage and improve service in and around the Salop Drive area and meet the appellant's operational requirement to provide coverage to that area.
8. The proposed 'slim line' telecommunications pole and 3 associated cabinets would be coloured grey and would be located on the pavement in a predominantly residential area of two-storey buildings close to a main route (Devon Road) through the housing estate, and which I saw to be well used by traffic and pedestrians. The appeal site is on the wide splayed corner of Devon Road and Salop Drive in front of an area of grassed open space that slopes up away from the site, with housing along the northern and eastern edges facing towards the open space. Whilst there are some trees on the opposite side of Devon Road, there are no trees or other landscaping in the immediate vicinity of the open space, such that the appeal site occupies a prominent location and contributes to the open and relatively undeveloped character and appearance of this part of the estate.
9. I saw there were streetlamps about 9m high either side of the appeal site, one fronting Devon Road, the other round the bend on Salop Drive. However, they would not be read alongside the proposed street pole due to the splayed nature of the corner. At 15m the proposed pole would be substantially taller and also thicker than the surrounding streetlamps and would punctuate the skyline and tower above them. The proposal would appear as a somewhat isolated structure in the street scene against the backdrop of the open space.
10. The cabinets are not dissimilar to other service cabinets one often sees besides pavements and highway verges. However, their proposed location on a wide area of pavement in front of an area of open space in the streetscene would introduce street clutter where there is currently very little in this prominent location.
11. Whilst telecommunication installations are not uncommon features in urban areas, each needs to be assessed against the particular site context and surroundings it is to be placed in. I accept the street pole needs to be tall enough to clear buildings and trees and robust enough to take the necessary antennae and infrastructure.
12. However, in this instance, the siting and appearance of the street pole would appear conspicuously tall, out of scale and overly dominant as to be a visually

discordant feature in the street scene and hence would harm the character and appearance of the area.

13. In so far as it is relevant to issues of siting and appearance, the proposal would be contrary to Policy CP3 of the Cannock Chase Local Plan, which seeks, amongst other things, to encourage high standards of design that complement and enhance the character and appearance of an area and are well-related to their surroundings.
14. As it is a prior approval application the issue of the principle of the proposed telecommunications pole is not itself an issue. The Framework, as a material consideration, recognises the importance of advanced, high quality and reliable communications infrastructure to economic growth and social wellbeing and that planning decisions should support the expansion of networks, including next generation mobile technology such as 5G<sup>2</sup>. It also advises that the number of masts and sites for installations should be kept to a minimum, and existing masts, buildings and other structures should be utilised where possible before considering new base stations<sup>3</sup>. For a new mast or base station, the appellant should provide evidence that they have explored the possibility of erecting antennas on an existing building, mast or other structure.
15. The appellant advises that the target search area for 5G installations is smaller than earlier network requirements, and that no mast/site sharing opportunities and no existing buildings or structures were identified. Hence a new base station was considered the most appropriate solution.
16. The submitted SSSI includes consideration of 6 other sites within the constrained cell search. For each there is a brief explanation of why each site was rejected. The explanations have not been expanded upon in the appellant's appeal documentation. From my site visit and seeing the alternative sites, it is unclear why some have been disregarded due to their proximity of residential properties when compared to the appeal site - the appellant does not advise what is a suitable distance away or other siting criteria. Similarly, some sites with overhead cables nearby appeared to still have space to site a mast - the appellant provides no indication of any specific exclusion requirements. I also saw a number of commercial properties in the vicinity, but there is no explanation as to why these have been discounted.
17. I therefore find the level of detail for the discounted sites to be somewhat scant and lacks sufficient information to be able to fully understand the reasons for their unsuitability, when compared to the appeal site's location, and to demonstrate that the appeal site is the only viable option.
18. To conclude, the siting and appearance of the proposal would harm the character and appearance of the area, and this is not outweighed by the needs for the installation to be sited in the proposed location.

### **Other Matters**

19. I am aware that there would be some social and economic benefits from the installation, but the GPDO is clear that the potential wider benefits should not be taken into account when considering siting and appearance. I am also aware of local concerns about the proposal.

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<sup>2</sup> Framework paragraph 118

<sup>3</sup> Framework paragraph 119

20. In terms of the potential effects on health the appellant has provided a certificate, in accordance with the Framework, to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Its health compliance, however, does not outweigh the harm I have identified to the character and appearance of the area.

### **Conclusion**

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

*K Stephens*  
INSPECTOR