



Appeal Decision

Site visit made on 10 December 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/D4635/W/24/3348817

The pavement adjacent to Bilston Bus Station, Bingham Bypass, Wolverhampton West WV14 0BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Circet (UK) against the decision of the City of Wolverhampton Council.
 - The application Ref is 24/00542/TEL.
 - The development proposed is the installation of a 20m telecommunications pole and associated cabinets and equipment.
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Decision

1. The appeal is allowed and prior 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 installation of a 20m telecommunications pole and associated cabinets and equipment at the pavement adjacent to Bilston Bus Station, Bingham Bypass, Wolverhampton West WV14 0BQ in accordance with the application 24/00542/TEL and the details submitted with it including plan no's: 002 Site Location Plan Issue A, 215 Max Configuration Site Plan Issue A and 265 Max Configuration Elevation Issue A.

Preliminary Matters

2. The description of the electronic communications apparatus on the application form is long and goes beyond describing the proposal itself. I have, therefore, utilised part of the description of the proposal from the decision notice in my above heading as this more succinctly describes the proposal.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought by the parties. I have, however, determined the appeal having regard to the revised Framework.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) require the proposed development to be assessed solely on the basis of its siting and appearance, taking into account any representations received. My determination has been made on this basis.
5. 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, though, had regard to the policies of the development

plan, including those of the Black Country Core Strategy (Core Strategy) and the Wolverhampton Unitary Development Plan (UDP), as well as the Framework and the Council's Interim Telecommunications Policy insofar as they are material considerations relevant to matters of siting and appearance.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area.

Reasons

7. The appeal site is an area of footway on Hall Street, close to the junction with Wood Street. It is situated near a small pocket park and a grass verge area that contains planting, including trees. The surrounding area contains a range of different buildings and street furniture. This variety in a location that is dominated by transport infrastructure, including the nearby Bus Station which is surrounded by large areas of hardstanding and the dual carriageway to the south of the appeal site, provides for a mixed character in this town centre location.
8. The proposed mast would be taller than nearby buildings and trees. In this central location however, there are various vertical features, including tower structures that protrude from the roof of the Bus Station building and a wide range of existing street furniture items that include a CCTV pole, street lighting and other telecommunications masts.
9. The proposal, although intended to replace an existing telecommunication site on the other side of the dual carriageway, would nonetheless add another item of street furniture to this location. However, I do not consider that it would appear obtrusive, given the many other vertical features that can be found in the vicinity of the site. For nearby pedestrians, and those utilising the neighbouring pocket park, the proposed mast would be prominent, but not unexpectedly tall or intrusive in this built-up setting.
10. The proposed cabinets would be low level structures that would be seen against metal railings and vegetation. As such, and given they are typical structures seen on roadside locations, I do not consider the siting and appearance of these elements of the proposal would unduly add to street clutter or have a harmful visual effect.
11. In conclusion, the siting and appearance of the proposal would not cause unacceptable harm to the character and appearance of the area. As such, the proposal would comply with, insofar as they are material considerations, paragraph 20 of the Framework, Policies ENV3 and CSP4 of the Core Strategy, Policies D6, D7, D9 and EP20 of the UDP and the Council's Interim Telecommunications Policy.
12. The Council has referenced major regeneration proposals, but I have been provided with limited further details of the new and expanded market or what public realm improvements are proposed. Digital connectivity is an important element of urban regeneration, and in any event, I do not consider the proposal, which would have a functional appearance that is typical of telecommunications equipment, is at odds with the prevailing character of this town centre location.

13. The proximity of a listed building, Pipe Hall¹ which is proposed to be restored has also been referenced in the refusal notice. This building is however situated on the other side of Hall Street beyond the Bus Station and railway line, and its setting comprises of various transport structures, as well as road and rail infrastructure that surround it on three sides. As such, and given the separation of the proposal from this listed building, I do not consider that there would be any harm to the setting of this heritage asset.

Conditions

14. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that development must be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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

15. For the above reasons, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

¹ Listed as Top Cats Night Spot