



Appeal Decision

Site visit made on 15 July 2025

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/V4630/W/25/3364408

Grass Verge outside Spar/ Frydays Fish and Chip Shop, Walker Road, Walsall WS3 1JR

- 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 Cornerstone Telecommunications against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 24/1230.
 - The development proposed is the installation of a 20m monopole supporting 6 no. antennas, 2 no. 0.3m dishes, 2 no. cabinets, associated ancillary equipment and development thereto.
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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 monopole supporting 6 no. antennas, 2 no. 0.3m dishes, 2 no. cabinets, associated ancillary equipment and development thereto at Grass Verge outside Spar/ Frydays Fish and Chip Shop, Walsall WS3 1JR in accordance with the terms of the application, Ref 24/1230, and the details submitted with it, including plans 100A – Site Location Maps; 200A - Existing Site Plan; 201A - Proposed Site Plan; 300A - Existing Site Elevation; and 301A - Proposed Site Elevation.

Preliminary Matters

2. The address and the description of the development are taken from the appeal form and the decision notice, as these more accurately describe the location and proposal.
3. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO 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, having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are material considerations relevant to the matters of siting and appearance.

Main Issues

4. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area;

- whether the siting and appearance of the proposed installation would harm the living conditions of neighbouring occupiers at the residential apartments to the west and 62 Well Lane and 1 Chaucer Road with regard to outlook; 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

Character and appearance

5. The appeal site forms part of a grass verge close to an existing retail unit. The surrounding area is predominantly residential in character, with a mix of two-storey houses and three-storey apartments in the immediate vicinity. The proposal would be located at the junction of three roads and consequently would be readily visible from a number of public vantage points.
6. The area around the appeal site accommodates a comparatively high amount of existing street furniture and vertical structures, including a bus shelter, a bin, powerlines, lampposts and signage. The proposed development would be of functional appearance, typical of telecommunications equipment seen in urban areas generally. Mature trees in the surrounding streets would help to partially screen and break up views of the proposed equipment from certain angles, particularly in the spring and summer. Nonetheless, at 20m, the proposed monopole would be taller than the trees and vertical structures and would be a visually prominent feature within the street scene.
7. The proposal would, however, be viewed in the context of surrounding buildings and telecommunication equipment. Whilst the cabinets would give rise to some additional clutter, there are existing ground level features close to the site such as the bus shelter. There are three-storey apartments located opposite the appeal site, and whilst the proposed monopole would be taller than the apartments, it would not unduly tower above them. There is also a prominent monopole located a short distance away, on a small area of open green space, which is a visible and established feature of the urban landscape.
8. In the context of the wider street scene, the proposal would therefore not appear as unacceptably discordant or incongruous. Long views of the proposal would take in the wider context of existing vertical street furniture, the existing monopole, and the three-storey buildings which would help to integrate the proposal with the local pattern of development.
9. Nevertheless, due to its conspicuous height and functional appearance and its prominent position at the road junction, the siting and appearance of the proposal would cause harm to the character and appearance of the area. However, given the surrounding context of other street furniture and telecommunications equipment, the scale of this harm would be limited. Insofar as they are a material consideration, the proposal would be contrary to saved Policies GP2, ENV32 and ENV38 of the Walsall Unitary Development Plan (2005) and Policies ENV2 and ENV3 of the Black Country Core Strategy (2011) which together seek to ensure that development does not have an adverse impact on the environment, considers the local character of the area and protects local distinctiveness. It would also

conflict with the Framework, which highlights that telecommunications sites should be sympathetically designed.

Living conditions

10. The proposed telecommunications equipment would be visible from residential properties, including from a number of the nearby apartments along Walker Road, and from the semi-detached properties at 62 Well Lane (No 62) and 1 Chaucer Road (No 1).
11. The proposal would not be in immediate proximity to the neighbouring residences, being located on the opposite side of the road, and the separation distances would avoid any harmful overbearing effect. A large, mature tree would help to partially screen the proposal from dwellings at Well Lane and Chaucer Road. The proposed monopole would only be visible from certain viewpoints from the frontage of nearby properties, and the slimline design would help ensure that the installation would not dominate the outlook from the properties. There would be a limited amount of equipment at ground level, and the proposal would be read amongst other street furniture and a backdrop of buildings. As such, whilst visible, it would not appear as an incongruous or unexpected feature.
12. Accordingly, having regard to its siting and appearance, the proposed development would not harm the living conditions of the occupiers of the apartments at Walker Road, No1 and No 62 with regard to outlook. In this regard, it would accord with paragraph 135 of the Framework, which seeks a high standard of amenity for existing and future users.

Alternative sites

13. Paragraph 119 of the Framework states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. Accordingly, given the harm to the character and appearance of the area, a balance must be struck, and consideration must be given to the need for the installation to be sited as proposed taking into account suitable alternatives.
14. The operator currently provides coverage to the area from an existing rooftop installation at nearby Harden Road. However, the site does not currently provide 4G services to the area and is 3G only which is currently being phased out. A replacement coverage solution is therefore required.
15. The target area within which the equipment can be located is constrained, with operational requirements necessitating that it be located in proximity to the existing rooftop equipment on Harden Road. The appellant has undertaken a thorough search for alternative sites within the constrained cell search area, applying a sequential site selection process including consideration of site sharing and use of existing structures, and a detailed analysis of alternative ground sites.
16. The existing rooftop site at Harden Road was considered, but discounted as it could not be safely upgraded without putting a structural strain upon the building. The nearby monopole was also discounted as not being a suitable shareable structure. Other sites were discounted for a number of planning, operational and structural reasons. For example, sites were discounted for reasons including rooftop buildings being too low or of an impractical shape to host the equipment;

insufficient space being available to accommodate the installation; being too far outside the search area to provide the required level of coverage; footpaths being too narrow for pedestrians to safely pass the equipment; potential harm to highway safety; loss of parking and access arrangements; being in a more prominent location than that proposed; and the presence of overground and underground services.

17. From my on-site observations, and the evidence before me, I am satisfied that a robust search and assessment of alternative sites has been undertaken. The assessments show various constraints which indicate that none of the alternative locations are demonstrably more suitable than the chosen site.
18. The lack of alternative options to deliver improved coverage and capacity as needed in this area is a consideration which weighs strongly in favour of the development.

Planning Balance

19. I have found that the proposal would result in harm to the character and appearance of the area. However, the proposal would have significant benefits in terms of providing 5G coverage in the area, as specifically supported by paragraph 119 of the Framework. This, taken together with the lack of any identified suitable alternative sites, is sufficient to outweigh the harm that I have identified.

Conditions

20. The GPDO does not provide any specific authority for imposing additional comments 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

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

L C Hughes

INSPECTOR