
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: 28 July 2025

Appeal Ref: APP/V4630/W/25/3364913

Lichfield Road, Grassland Adjacent to KFC, Walsall WS9 9NT

- 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 MBNL (Mobile Broadband Network Limited) against the decision of Walsall Metropolitan Borough Council.
 - The application Ref is 25/0008.
 - The development proposed is new 20m high Valmont Streetworks monopole on a root foundation with 9No. proposed antennas at 16.32m, 18.22m, 19.52m and 2No. 300m dishes at 13.62m, and associated equipment. Works at ground level include the installation of 4 cabinets and ancillary apparatus.
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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 new 20m high Valmont Streetworks monopole on a root foundation with 9No. proposed antennas at 16.32m, 18.22m, 19.52m and 2No. 300m dishes at 13.62m, and associated equipment. Works at ground level include the installation of 4 cabinets and ancillary apparatus at Lichfield Road, Grassland adjacent to KFC, Walsall WS9 9NT in accordance with the terms of the application, Ref 25/0008, and the details submitted with it, including plans 002 Site Location Plan; 100 Existing Site Plan – 150 Existing Elevation; 215 Max Configuration Site Plan; and 265 Max Configuration Elevation.

Preliminary Matters

2. The address and the description of the development are taken from the decision notice, as this more accurately describes the location and proposal.
3. The provisions under Article 3(1) and Schedule 2, Part 16, Class A of the General Permitted Development Order (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 National Planning Policy Framework (the Framework) and the development plan - the Walsall Unitary Development Plan 2005 (UDP); the Black Country Core Strategy 2011 (BCCS); and the Site Allocation Document 2019 (SAD) only in so far as they are material considerations relevant to the matters of siting and appearance.

Main Issue

4. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area, with particular regard to its location adjacent to Oak Park, 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 proposed monopole and associated equipment would be located on a grassed area adjacent to an allocated open space, Oak Park. Along with the open space the surrounding area comprises a mix of residential and commercial development. Lichfield Road is part of a busy transport network and is linear in form. Consequently, the proposal would be visually prominent from a number of public vantage points, including Oak Park.
6. The grassed area is wide, and the proposed installation would be situated set back from the pavement. There are large, mature trees within the grassed area. Although not part of the allocated open space, the grass and trees provide a buffer between the busy road and Oak Park, and give a pleasant, green and verdant feel to the area and visual relief to the street scene.
7. There are vertical structures such as lampposts, traffic lights, flag poles, power lines and prominent signage for the adjacent KFC restaurant in proximity, as well as ground level street furniture including a bus shelter. The monopole would be partially screened from a number of vantage points by the trees in proximity, particularly during the spring and summer months. The trees would lessen the prominence of the monopole in longer views, and its location within the grassed area would provide a degree of separation from the nearest residential properties. However, despite being a slimline design, at 20m the proposed monopole would be taller than the trees and other vertical structures, which would result in it being visually prominent within this verdant setting.
8. The proposed installation would have a functional appearance. However, whilst the size of the proposed monopole would exceed that of other structures, it would be located along a busy transport artery where other functional structures are visible. When viewed from surrounding vantage points, including from Oak Park, it would also be seen in the context of neighbouring commercial development which is a focus of activity. In the context of this wider urban street scene, the proposal would not appear as unduly incongruous or overbearing. Moreover, the ground installations would not impede pedestrian flow nor significantly contribute to street clutter, being located within a spacious grassed area set-back from the pavement and partially screened from the road by the bus shelter. Nonetheless, the proposal would introduce utilitarian structures into a part of the public realm that, although not used for recreational purposes, is an area of green open space that contributes positively to the appearance of the area.
9. As such, due to its conspicuous height and position within a green open space, the siting and appearance of the proposal would cause harm to the character and appearance of the area. However, given the surrounding context of a busy urban road and commercial development, the scale of this harm would be moderate.

10. Insofar as they are a material consideration, the proposal would be contrary to saved Policies GP2 and ENV38 of the UDP, Policy ENV6 of the CS, and Policy OP1 of the SAD, which seek to ensure that development does not have an adverse impact on the environment and visual amenity of the area and should not reduce the value of open space. It would also conflict with the Framework, which highlights that telecommunications sites should be sympathetically designed.

Alternative sites

11. The Framework states that planning decisions should support the expansion of electronic communications networks. 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.
12. The operator currently provides coverage from an existing rooftop installation on a nearby public house. However, the appellant has indicated that they have received a Notice to Quit from the owners of the building, as the site is due to be repurposed for the construction of a supermarket. A replacement is therefore required. The area within which the equipment could be located is constrained, as operational requirements necessitate that, in order to maintain coverage, the equipment is located close to the existing installation subject to the Notice to Quit.
13. The appellant has undertaken a search for alternative sites within the constrained search area, applying a sequential site selection process including consideration of site sharing, use of existing structures and an analysis of ground sites.
14. An existing rooftop site in proximity, at Better Gym, was considered for site sharing, but was discounted due to the height requirements of the new installation and structural loading limitations of the building. Other sites were discounted for operational, planning and structural reasons such as not being structurally sound; future redevelopment plans, the presence of overhead cables; proximity to residential properties; proximity to trees; loss of parking spaces; access difficulties; and unsuitable topography.
15. A robust search and assessment of alternative sites has been undertaken, and I have no reason to doubt the legitimacy of the reasons provided as to why the alternatives were discounted. From my on-site observations, and the evidence before me, I am satisfied that no more suitable alternative site has been identified.
16. The lack of alternative options to deliver coverage as needed in this area is a consideration which weighs strongly in favour of the proposed development.

Other Matters

17. Whilst the proposal would be visible from a number of residential properties, including the apartments at Prior Court, it would be located on the opposite side of the road, and the separation distances would avoid any harmful overbearing effect. The slimline design of the proposed monopole would help ensure that it would not dominate the outlook from the properties. The cabinets would form part of the street scene where there is already street furniture, which would help to screen them from views. As such, whilst the proposal would be visible, it would not unacceptably harm the outlook of residents at neighbouring properties.

Planning Balance

18. I have found that the proposal would result in harm to the character and appearance of the area. However, the proposal would have significant social and economic benefits in terms of providing continued coverage in the area. This, taken together with the lack of any identified suitable alternative sites, is sufficient to outweigh the harm that I have identified.

Conditions

19. The GPDO 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.

L C Hughes

INSPECTOR