



Appeal Decision

Site visit made on 29 July 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/D4635/W/25/3366256

Land Opposite the Pegasus PH, Craddock Street, Wolverhampton WV6 0NZ

- 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 Wolverhampton City Council.
 - The application Ref is 24/01162/TEL.
 - 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 ancillary 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 land opposite the Pegasus PH, Craddock Street, Wolverhampton WV6 0NZ in accordance with the application Ref 24/01162/TEL 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 Pegasus Public House has been renamed as Gill's Bar & Banqueting. For clarity, I have taken the address from the appeal form and the decision notice.
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 Wolverhampton Unitary Development Plan 2001-2011 (2006) (UDP) and the Black Country Core Strategy 2011 (BCCS), and guidance contained within the Wolverhampton City Council Interim Telecommunication's Policy (2002) (ITP), 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 provide acceptable living conditions for the future occupiers of an adjoining allocated housing site 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 proposed monopole and associated equipment forms part of a long grass verge, located along Craddock Street. The surrounding area is largely residential, but the proposed installation would be opposite a bar and function room and its associated car park and would largely be offset from the frontal vistas of neighbouring dwellings. To the rear of the proposed development is an undeveloped, brownfield site, which has been allocated for housing in the development plan. Craddock Street is fairly linear in form, although it bends slightly in both directions away from the appeal site. Nevertheless, the proposal would be visually prominent from a number of public vantage points.
6. The grassed verge is of a good width, and the proposed installation would be situated set back from the pavement. There are a number of attractive large, mature trees within the grassed verge, and the trees and verge give a pleasant, green and verdant feel to the area, providing visual relief to the street scene.
7. There are other vertical structures in the street scene, such as lampposts, power lines and signage, along with other utility cabinets. The monopole would be partially screened from several 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 along Craddock Street. 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 an urban street where other utilitarian structures are visible, and in front of a rather stark and functional palisade fence. In the context of this wider urban street scene, the proposal would not appear as unduly incongruous or overbearing nor be an untypical feature. Moreover, the ground installations would not impede pedestrian flow nor significantly contribute to street clutter, being located within the grassed area set-back from the pavement. Nonetheless, the proposal would introduce utilitarian structures into a part of the public realm that contributes positively to the appearance of the area.

9. Due to its conspicuous height and functional appearance 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 street scape and commercial development, the scale of this harm would be limited. Insofar as they are a material consideration, the proposal would be contrary to Policies D6, D7, D8, D9 and EP20 of the UDP and Policies ENV2 and CSP4 of the BCCS and guidance contained within the ITP, which together seek to ensure that development is a high quality of design, is of an appropriate height, massing and appearance and is designed and sited to minimise visual impact.

Living conditions of future occupiers

10. The adjoining land to the appeal site is allocated for housing in the development plan. No information is before me regarding any firm plans, indicative layout or planning permission for the land. It is likely that any submission would take into account existing constraints and commitments such as the appeal scheme in the layout, landscaping and design of that development. This would ensure that appropriate separation distances could be achieved between the proposal and any new residential properties to avoid any harmful overbearing effect. The layout of the proposed scheme could ensure that appropriate screening and the orientation of dwellings and windows would minimise any direct outlook to the proposed installation from the new properties.
11. Accordingly, having regard to its siting and appearance, there is no substantive evidence that the proposal would not provide acceptable living conditions for future occupiers of properties on the adjoining allocated housing site with regard to outlook. The proposal would therefore not conflict with UDP Policy D8 which seeks to ensure that development does not adversely affect people's amenities in respect of immediate outlook. It would also conform with guidance contained within the ITP which states that telecommunications equipment will be acceptable if there is no adverse impact on amenity sufficient to outweigh other considerations.

Alternative sites

12. 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.
13. The operator currently provides coverage to the area from a shared existing rooftop installation at Shadi Sweet Centre on Craddock Street. The evidence indicates that the existing installation cannot be safely upgraded to accommodate the requirement for 5G technology without putting a structural strain upon the building and significantly compromising the internal space of the property. A replacement coverage solution is therefore required.
14. 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. 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.

15. Sites were discounted for a number of planning, operational and structural reasons, including rooftops being too low or not structurally capable of hosting 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, with less screening than that proposed; the presence of overground and underground services; technical interference with the network; or being too close to buildings which would block a signal to the whole target area.
16. 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.
17. The lack of alternative options to deliver improved coverage and capacity in this area is a consideration which weighs strongly in favour of the development.

Other Matters

18. Concerns have been raised about potential effects on health. However, the appellant has declared that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the Framework advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

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 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

20. 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

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

L C Hughes INSPECTOR