



Appeal Decision

Site visit made on 4 September 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/D4635/W/25/3365650

National Grid Electricity Distribution Primary 132Kv Substation, Commercial Road, Wolverhampton WV1 3QS

- 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 Ms Joanne Gilsenan of National Grid Electricity Distribution (West Midlands) PLC and National Grid Telecoms Ltd against the decision of Wolverhampton City Council.
 - The application Ref is 25/00009/TEL.
 - The development proposed is installation of essential telemetry equipment comprising mast, antennas, transmission dishes, equipment housings, emergency backup generators, electricity meter cabinet, development ancillary to radio equipment housing and ancillary development thereto.
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Decision

1. The appeal is allowed and 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) (GPDO) for the installation of essential telemetry equipment comprising mast, antennas, transmission dishes, equipment housings, emergency backup generators, electricity meter cabinet, development ancillary to radio equipment housing and ancillary development thereto at National Grid Electricity Distribution Primary 132Kv Substation, Commercial Road, Wolverhampton WV1 3QS in accordance with the terms of the application 25/00009/TEL and the details submitted with it including drawing Nos P1628-171-PL-301 Rev A, P1628-171-PL-303 Rev A, P1628-171-PL-304 Rev A, P1628-171-PL-305 Rev A, P1628-171-PL-306 Rev A and P1628-171-PL-307 Rev A,

Preliminary Matters and Main Issues

2. The provisions of Article 3(1) and Schedule 2, Part 16, Class A of the GPDO relate to communications equipment and require the local planning authority to assess proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of the appeal has been made on this basis.
3. 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 had regard to the development plan policies only insofar as they are a material consideration relevant to matters of siting and appearance.
4. The main issues are the effect of the siting and appearance of the proposal on the character and appearance of the Bilston Canal Corridor Conservation Area and

the setting of the former Power Station, Commercial Road as a Non-designated Heritage Asset.

Reasons

Character and appearance

5. The proposed development would be located in an open area adjacent to a former power station, near to an operational electricity distribution centre. The site is located within the Bilston Canal Corridor Conservation Area (CA).
6. The CA follows the course of the canal from the eastern fringes of the City Centre, for approximately 4km to the southeast. The character of the areas adjacent to the canal changes along its route and includes several industrial sites, some of which are vacant and some of which are still in use.
7. The significance of the CA lies in its history, in particular the role and importance of the canal in the development of industry in Wolverhampton. Traditional industries have declined, and the canal is no longer used for industrial purposes. However, many canal-side industrial buildings have survived which are of both historic and architectural interest, providing evidence of this industrial past.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of CAs.
9. The appeal site and the surrounding area largely remains in industrial use and lies within the Horseley Fields to Bilston Road Character Area of the CA. The location of the proposed mast sits between the brick turbine hall of the former Municipal Lighting Works and the electricity transformer station to the south. The Bilston Corridor Canals Conservation Area Appraisal and Management Proposals document states *“A large electricity transformer station located to the south of the former power station is the legacy of the site’s role in the supply of energy to Wolverhampton.”*
10. Modern industrial interventions sit alongside historic structures in this area which is indicative of the evolution of industrial practices. Existing development associated with the power station include the transformers themselves, as well as ancillary and equipment including lighting, poles and fencing. However, these are all relatively low in height and are not out of scale with surrounding buildings and structures.
11. By contrast, the proposed mast would be significant in scale at approximately 24.7m in height which would exceed the height of the adjacent turbine hall. As a result of its overall scale and height, it would be a prominent and imposing feature, rising above adjacent buildings, which would be visible in public views from several vantage points on adjacent streets and the canal towpath. Consequently, the proposed mast would conflict with the character and appearance of the area and would result in harm to the significance of the CA.
12. The structures associated with the mast including the generators, cabinets and equipment housing would be relatively modest in scale and would not detract from the character and appearance of the area.

13. As required by paragraph 212 of the National Planning Policy Framework (the Framework), great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case, I consider that the proposal would lead to less than substantial harm to the significance of the CA, the magnitude of which would be moderate. In such circumstances paragraph 214 of the Framework states that the harm should be weighed against the public benefits of the proposal. I address this in the planning balance.
14. The adjacent former power station is locally listed and therefore a non-designated heritage asset (NDHA). Paragraph 216 of the Framework requires that the effect of an application on the significance of a NDHA should be taken into account in determining the application.
15. The significance of the building lies in its history as Wolverhampton's first power station and includes the turbine hall and offices. According to the Historic Environment Record entry the building is a relatively early example of a municipal generating system built as a result of the 1888 Electric Lighting Act. The building also derives significance from its distinctive architecture including its red brick and terracotta facades and distinctive decorative sections.
16. The proposed mast and associated structures would be located to the south of this building in an open area which is somewhat overgrown. The absence of significant structures in this area means that the existing building is readily apparent in views on approach from the south from which it is an imposing structure in the street scene.
17. The proposed mast would be prominent in the foreground of the building when viewed from vantage points to the south. Given the overall scale and height of the mast, it would detract from the dominance and importance of the NDHA. The steel lattice of the mast and the dishes and antennas which would be attached to it would be overtly modern in contrast with the traditional materials and architecture of the building, resulting in a jarring relationship between the structures. Therefore, the proposal would result in harm to the setting of the former power station and consequently, its significance.
18. The Framework states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. I address this in the planning balance.
19. I conclude that the siting and appearance of the proposal would have a harmful effect on the character and appearance of the Bilston Canal Corridor CA and would harm the significance of the former Power Station, Commercial Road as a NDHA through inappropriate development in its setting.
20. In so far as they are a material consideration, the proposal would conflict with Policies ENV2, ENV3 and CSP4 of the Black Country Core Strategy (Adopted February 2011) and Policies D6, D7, D8, D9, EP20, HE4, HE5 and HE19 of the Wolverhampton Unitary Development Plan 2001 – 2011 (Adopted June 2006) and the Wolverhampton City Council Interim Telecommunications Policy. Together these seek to ensure that proposals protect and promote the historic character of the area, preserve or enhance conservation areas, respond to local identity and distinctiveness, are of an appropriate scale, massing and design and do not have

an adverse effect on the setting of a local list building. Telecommunications proposals should be designed to minimise visual impact.

Other Matters

21. The Framework recognises that advanced, high quality, reliable communications infrastructure is essential for economic growth and social well-being. It goes on to say that applications for electronic communications development (including applications for prior approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. The Framework also requires that for a new mast or base station, evidence should be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.
22. The existing substation operates as part of a network of substations to supply electricity to parts of Wolverhampton and South Staffordshire. The appellant contends that the proposed mast and associated equipment is necessary in connection with its own communications network that connects each substation site and performs a key role in the safe operation and continuity of electricity supply. This is used to identify and rectify faults and other issues with power supply provision.
23. To date this communication has been provided through copper lines however this is being phased out and their cloud-based replacement would not meet the required specifications. The planned upgrade of the network involves a fibre network and masts at some substations which would provide transmission dishes needed for the operation of the network and those which may be required in the foreseeable future. The appeal scheme is proposed as part of this upgrade programme.
24. The antennas and dishes proposed at the appeal site would play a role in monitoring to prevent damage and fires at substations, connectivity for engineers in the case of emergency, connectivity to nearby solar farms, and to transfer data between existing masts.
25. A number of alternative sites have been considered by the operator. None of the options considered have the capability to accommodate the necessary equipment, or the landowner is unwilling to accommodate the equipment. Given the technical requirements of the specific use of the proposed equipment by National Grid, any proposed antennas need to be in close proximity to the site and several of the sites considered would be too far removed from the existing substation to provide the necessary technical specification. From a technical perspective it is necessary for the mast to be taller than the adjacent building in order to ensure that the building does not block radio signals.
26. The Council have not suggested any other possible locations for siting the equipment which have not been considered by the appellant and has not disputed the rationale for discounting the alternative sites that have been considered. I conclude that it has been adequately demonstrated that there are no reasonable alternatives.

Public Benefits and Planning Balance

27. Overall, I find that the proposed mast and associated equipment is necessary to ensure the safe and efficient continuation of the electricity supply in the area. In the absence of such equipment there is a risk of fires and interruption to electricity supply which would have consequences for the social and economic welfare of the public at large. As such the provision of the proposed equipment represents a significant public benefit to which I attach considerable weight.
28. Consequently, I am satisfied that the significant public benefits which would accrue from the proposal would sufficiently outweigh the moderate degree of less than substantial harm I have identified in respect of the harm to the CA as a heritage asset. In applying this balanced judgement, I also conclude that the benefits of the proposal outweigh the harm to the significance of the NDHA. On this basis, the harm is clearly and convincingly justified.

Conditions

29. Any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, 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

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

E Pickernell

INSPECTOR