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## Appeal Decision

Site visit made on 15 December 2020

**by Chris Forrett BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> January 2021**

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### **Appeal Ref: APP/C3430/W/20/3260464**

### **Grass verge adjacent to Codsall Road, Codsall, Wolverhampton WV6 9QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 Clarke Telecom Ltd against the decision of South Staffordshire Council.
  - The application Ref 20/00247/TEL, dated 30 March 2020, was refused by notice dated 29 May 2020.
  - The development proposed is the installation of a 20 metre slim-line column supporting 6 no. antennas, 1 no. transmission dishes, 2 no. equipment cabinets and ancillary development thereto including a GPS module and 3 no. Remote Radio Units (RRUs).
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

### **Reasons**

#### *Character and appearance*

3. The appeal site is located in an undeveloped area to the south-east of the built-up area of Codsall. It is also located within the Green Belt. Further to the south-east there is an existing telecommunications installation on the roadside at the edge of Claygate, which is a built-up area on the outskirts of Wolverhampton. The broad area of the appeal site is set in a dip in the local topography with the site of the existing mast being set at a higher land level. The Appellant states that such undulations in the local landscape are between 5 and 10 metres higher than the lowest point which is close to the appeal site.
4. The Council have not raised any concern in respect of the equipment cabinets and I have no reason to come to a different conclusion. I have therefore focused my attention on the visual implications of the proposed column in terms of its siting and appearance.
5. The proposal includes a 20-metre high column which would be sited close to Codsall Road where there is an existing agricultural access and a tree which is around 14 metres in height. There are also other trees and hedgerows in the area which provide some vegetative cover.

6. At my site visit I noted that there is limited street furniture in the vicinity of the site with the nearest lamp-post being around 8 metres in height. As such, the introduction of a 20-metre high column would appear as a significantly taller structure than anything else which currently exists in the area.
7. The National Planning Policy Framework (the Framework) advises that where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
8. Whilst the column would be partially camouflaged by the backdrop of the nearby tree, it would still exceed the height of the tallest nearby street furniture by a significant margin and would be some six metres above the adjacent tree. In my opinion, it would unacceptably stand out as an overly prominent feature given its height. This is particularly the case when travelling from the Codsall direction along Codsall Road.
9. Furthermore, the adjoining tree is a deciduous tree and during the winter months would not provide the same level of screening as it does during the times when it is in leaf. During this time, the column would appear as a highly prominent and obtrusive piece of street furniture.
10. I have also considered the visual impacts of the column from the footpath known as Codsall 32. Whilst the column would be partially obscured from view when travelling along the footpath by the existing tree, it would still be visible given its overall height. That said, I am also conscious that the land level falls as you approach the appeal site whilst walking along the footpath in a northerly direction which has the effect of decreasing the level of impact. However, the level of screening from the tree is dependent on the time of year.
11. Taking this into account, the development would result in some visual harm when compared to the existing situation for users of the footpath. However, I consider that this is not a determinative factor on its own. Nevertheless, some harm would result and this adds weight to my overall view that the column would harm the character and appearance of the area.
12. In coming to the above views, I consider that the overall design of the column and antennas/dishes are not unacceptable per se. However, this does not override my concerns over the height of the column.
13. For the above reasons, the column would stand out as an incongruous feature within the surrounding area largely as a result of its height. As a result, it would be harmful to the character and appearance of the area contrary to Policies EV10, EQ4 and EQ11 of the South Staffordshire Core Strategy Development Plan Document (2012) (CS) which amongst other matters seek to respect and maintain the intrinsic rural character of the landscape, including supporting necessary telecommunications installations where there is no acceptable alternative location which would be less harmful to the environment.

#### *Telecommunications balance*

14. The Framework, at paragraph 112, is clear that advanced, high quality and reliable communications infrastructure is essential for sustainable economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks. It also specifically includes support next generation mobile technology (such as 5G).

15. The Council does not dispute the need for network coverage in the area, nor is there any contention of the substantial benefits to mobile connectivity. Furthermore, it is not disputed that in order to provide 5G coverage there is a need to provide separate masts for the Vodafone and Telefonica networks. I see no reason to take a different view on these points.
16. The proposed mast is part of the deployment of 5G in the area, but also re-locates the existing 2G, 3G and 4G from the shared mast which is located around 200 metres away to the south-east. However, from the information before me, it is unclear on how the 5G coverage would fit in with other proposed sites or what the search area for other suitable sites was.
17. I am also conscious that the coverage plots supplied with the appeal proposal indicate that the strongest 5G signal areas would be where there is little development. Indeed, there is only limited development in the areas indicated as 'indoor' coverage. Additionally, very limited information has been provided in respect of the replacement 2G, 3G or 4G coverage.
18. Notwithstanding the above, the Appellant has stated that several notable areas would benefit from improvements in coverage including a significant stretch of Codsall Road, a significant stretch of the commuter railway line linking Wolverhampton with Codsall, and the residential areas of Codsall and Claygate.
19. Whilst I consider that the coverage from the installation can hardly be described as significant in respect of Codsall Road and the railway, it would nevertheless provide coverage to these travel corridors. However, it is unclear whether this could be achieved by alternative means which would not have the same level of harm as the appeal proposal.
20. In coming to that view, I also acknowledge that the Appellant has stated that the height of the column, at 20 metres, is the lowest possible height that will enable the operator to provide equivalent 2G, 3G and 4G coverage to the area whilst enabling 5G to be delivered in an efficient manner. Whilst this may be the case, this could also be as a result of the siting of the installation in a dip in the local landscape.
21. In addition to the above, the Appellant has referred to the amount of growth in the area, including over 300 new homes and 7.08 hectares of employment land. However, it is unclear how the proposal would assist in telecommunications coverage in these areas and therefore I can only give this very limited positive weight.
22. Taking all of the above into account, I consider that the benefits of the provision of the appeal installation to facilitate 5G coverage does not outweigh the harm I have found to the character and appearance of the area.
23. I have also considered the generally supportive aspects of the Framework and Policy EV10 of the CS in reaching the above view. However, from the evidence before me, I consider that suitable alternative means of providing coverage have not been fully explored and that there remains a possibility that the use of alternative, less harmful location or locations (including locations closer to the existing installation and/or other sites in the area), may merit further discussion. This is particularly important in the context of Policy EV10 as this is supportive of otherwise unacceptable telecommunications development

providing that there is no acceptable alternative location(s) which would be less harmful to the environment.

### **Conclusions**

24. For the reasons given above, including the Governments overarching objective to improve mobile connectivity and to deliver required network improvements, I conclude that the appeal should be dismissed.

*Chris Forrett*

INSPECTOR