

Appeal Decision

Site visit made on 9 August 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/C3430/W/22/3291191

Grass verge at Warstones Road/Stourbridge Road junction, Springhill, South Staffordshire WV4 5NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 and Telefonica UK Ltd against the decision of South Staffordshire District Council.
 - The application Ref 21/00610/TEL, dated 21 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is telecommunications monopole and equipment cabinets.
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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) for the siting and appearance of telecommunications monopole and equipment cabinets at grass verge at Warstones Road/Stourbridge Road junction, Springhill, South Staffordshire WV4 5NB in accordance with the terms of the application Ref 21/00610/TEL, dated 21 May 2021, and the plans submitted with it including Site Location Maps Drawing Number 100 Rev B; Existing Site Plan Drawing Number 200 Rev B; Proposed Site Plan Drawing Number 201 Rev B; Existing Site Elevation Drawing Number 300 Rev B and Proposed Site Elevation Drawing Number 301 Rev B.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) 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.
3. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

5. The appeal site is a grass verge on Stourbridge Road close to a roundabout junction. This section of Stourbridge Road is a busy dual carriageway with a grass central reservation resulting in a spacious environment. The verge is located within a suburban location on the approach to the City of Wolverhampton. Vertical structures such as lighting columns and road signs are notable features along the road. Foxlands Drive sits at the top of an embankment, behind the site, but is largely screened from Stourbridge Road by planting and mature trees.
6. Due to its position and height, the proposed mast would be visible in views when travelling along Stourbridge Road and Warstones Road and the upper part of it would protrude above trees and streetlighting. Whilst the proposal would result in visual change, it would be viewed in the context of a busy thoroughfare in a suburban area and other street furniture. Telecommunication installations, such as the one proposed, are common features in such environments given the requirement for high quality communications and that advanced, high quality, reliable communication infrastructure is considered essential for economic growth and social well-being. In the context of the surrounding area, I find that the proposed development would integrate into the area and would be compatible with its surroundings.
7. The proposed development would be partially screened by trees. Even though the trees are deciduous, they are of a sufficient scale and spread, even when not in leaf, providing a degree of visual mitigation.
8. The mast would be confined to a small area of the grass verge and relatively slender. The proposed development would be set away from properties in Foxlands Drive and whilst it would be visible only the upper part would be noticeable from Foxlands Drive. There would be sufficient separation between dwellings and the mast and tree cover would serve to reduce its visual impact. As such, the proposed mast would not be visually intrusive or unduly overbearing for pedestrians and nearby occupiers.
9. I conclude that the siting and appearance of the proposed development would not adversely affect the character and appearance of the area.

Conditions

10. 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

11. For the reasons set out above the appeal succeeds and prior approval is granted.

B Thandi

INSPECTOR