



Appeal Decision

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 26/10/2023

Appeal reference: CAS-02623-X7R1L2

Site address: Stockwell Grove Street Works, Stockwell Grove, Wrexham, LL13 7HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Wrexham County Borough Council.
 - The application Ref WRO P/2023/0002, dated 6 January 2023, was refused by notice dated 16 February 2023.
 - The development proposed is a 5G telecoms installation: H3G 17m street pole and additional equipment cabinets.
 - A site visit was made on 12 September 2023.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The principle of development is established by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO 1995). The provisions of the GPDO 1995 require the local planning authority to assess the proposed development solely on the basis of its impact on siting and appearance taking into account any representations received. My determination of this appeal has been made on the same basis.
3. Whilst it is not a requirement for prior approval cases to be determined in accordance with the development plan, the Council's policies may be relevant as material considerations. The Council states that the proposed development would be contrary to the requirements of its adopted Unitary Development Plan (UDP) policies GDP1 and CLF8, as well as Planning Policy Wales (PPW) and advice contained in Technical Advice Note (TAN) 19: Telecommunications. Whilst it is not a statutory requirement to determine prior approval cases in accordance with these adopted policies and the TAN, they are a material consideration. I have taken the cited policies into account in this regard.

Main Issues

4. The main issues are: a) the effect of the siting on the character and appearance of the area; and b) whether any identified harm is outweighed by the need for the development and the lack of suitable alternative sites.

Reasons

5. The appeal site is located within a suburban residential estate and comprises part of the highway's footway, where it widens around the junction corner between Stockwell Grove and Percy Road. A series of two storey residential buildings front onto these roads, which are set back from the highway with grassed areas and large trees between, that rise above their ridge heights. A hedgerow with significant tree growth screens views to neighbouring residential development across Percy Road to the west and provides a natural visual barrier to its frontage. Some properties have aerials and satellite dishes projecting above their ridge lines, which are visible from the appeal site as elevated man-made features, along with a number of lamp posts along the footway.
6. Whilst not within any heritage or landscape designation, the appeal site's immediate context has a spacious building layout with an open frontage and a pleasing verdant appearance. The proposed cabinets would be minimal in size and would not introduce significant clutter to the street. As such, they would not be viewed as significant or harmful additions to the street frontage. However, whilst of minimal operational height, the street pole would be located in a visually prominent location within this frontage. Local residents, drivers and other highway users would have clear and prolonged views of it, particularly while passing or stopping at the junction. Furthermore, visibility from longer range views would be increased during winter months, when trees would lose their screening foliage. The street pole would be noticeably thicker in diameter and substantially taller than other man-made features along this frontage. Consequently, it would hold little visual association with them, despite its grey colour and would have a discordant, domineering appearance within the frontage. Its substantial size and prominence would also erode the sense of openness along the frontage and detract from the positive contribution of the closest trees either side and opposite, as visually pleasing, natural vertical features.
7. I conclude that the proposal would be harmful to the character and appearance of the area.

Need and alternative sites

8. The proposal is required to provide new 5G coverage to the area. I acknowledge the social, educational and economic benefits of high-speed mobile connectivity, which have been raised by the appellant and local representations in support of the proposal, and the UK Government's Digital connectivity vision and support for infrastructure development. Overall, I attach considerable weight to the benefits from the proposal.
9. I also acknowledge the finite operational search area available to address a gap in 5G coverage and the appellant's efforts to select the least intrusive site, following a sequential search. Notwithstanding this, consideration has been given to a small number of alternative sites along Stockwell Grove and Hermitage Drive, which I saw as part of my site visit. The reasons provided for their rejection are brief, with no further explanation of their selection or subsequent consideration process available. They also contradict with the proposal. Some locations which have been discounted for 'visibility splay issues', 'unsuitable pavements' and/or 'very residential', would be located a similar distance and position from residential property and/or highway junctions as the proposed location, with similar pavement conditions. Furthermore, whilst I saw one site had a narrower pavement width than the proposal, based on the limited information available I am also unable to confirm it would be unsuitable due to 'insufficient pavements'. Irrespective of the Council's view, from my observations it is evident that some alternative sites would be set either within more urbanised contexts, on less prominent street frontages, further from highway junctions or fronting what I saw to be quieter sections of road at the time of my

site visit (mid-morning). Based on the limited information before me, I am not therefore persuaded that there are no suitable alternative sites that would be less intrusive than the proposal before me.

Planning Balance

10. The proposal's harm to the character and appearance of the area needs to be weighed against the public interest of delivering improved 5G coverage to the area, the associated benefits and the need for such infrastructure. Consideration in reaching this balance should be given to the availability of other alternative and potentially less harmful sites. I give significant weight to the need for the development and its associated public benefits. However, I am not persuaded on the evidence before me that these factors outweigh the harm I have identified and that no other alternative sites are suitable. As such, in assessing the planning balance, I do not find the proposed siting and its associated harm is outweighed by the need for the development and the lack of suitable alternative sites in this case.

Other Matter

11. The appellant has drawn my attention to appeal ref. APP/A5840/W/20/3254830 for a site within the London Borough of Southwark. However, whilst limited details have been provided, the site's context will inevitably be different to that of the proposal before me, as will the evidence of alternative sites. I must determine the proposal before me on its individual merits and as such, I afford this previous appeal decision limited weight, which does not alter my decision.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Richard James

INSPECTOR