



Appeal Decision

Site visit made on 6 May 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/C1625/W/25/3360512

The Cross, Nelson Street, Stroud, Gloucestershire, GL5 2HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Cellnex UK against the decision of Stroud District Council.
 - The application Ref is S.24/1123/FUL.
 - The development proposed is removal of 1no. existing wall mounted tri-sector antenna and flagpole type support pole, 1no. existing equipment cabinet and other ancillary apparatus and the installation of 1no. replacement tri-sector antenna on proposed wall mounted shrouded support structure, 2no. equipment cabinets and 1no. GPS node with all other ancillary apparatus.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development protects or enhances the character and appearance of the Stroud Town Centre Conservation Area (CA) and host buildings, a non-designated heritage asset (NDHA), and the effect of the proposed development on the health of nearby residents and users.

Reasons

Character and Appearance

3. The appeal site is located within the Stroud Town Centre CA. It derives its significance from its rich historic and architectural heritage, having developed as a market town between the 16th and 19th centuries. Stroud town centre is characterised by steep and winding streets, with buildings being finished in traditional Cotswold stone and red brick. Examples of well-preserved landmark buildings in the area are the Old Town Hall, Subscription Rooms, and the former co-op building (the appeal site).
4. The appeal site is located in a prominent position, where a number of roads converge, known as the Cross. The host building, the former co-op building, is a non-designated heritage asset, noted for its distinctive art deco architecture. Its distinctive design, combined with its prominent location means it contributes positively to the significance of the CA as a historic and landmark building within the CA.
5. When travelling toward the site along Parliament Street the existing mast and antennae appear as noticeable clutter on the roof area of the appeal building. From the Cross, and in particular when traveling towards the site along Cornhill, one narrow pole rising above the host building is apparent from the streets and

pavements. When viewed from these roads the existing development draws the eye as an obtrusive and discordant feature.

6. Whilst the Framework states that the use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. It does require that equipment should be sympathetically designed and camouflaged where appropriate.
7. The proposed development would seek to remove and replace the existing equipment with upgraded antennae, equipment cabinets and ancillary structures. Whilst the ancillary equipment would not appear more intrusive than existing, the replacement antenna would be much thicker than the existing. When taken and considered against the baseline provided by existing roof-level equipment, the proposed replacement antennas would appear bulky and prominent, particularly within views when approaching the Cross, neither preserving nor enhancing the character or appearance of the CA or the host building.
8. For these reasons, the proposed development would harm the character and appearance of the CA and the NDHA. This would conflict with the objectives of Policies CP14, ES10 and ES12 of the Stroud District Local Plan (2015) (LP) and Policies AP6, AP8 and AP9 of the Stroud Town Centre Neighbourhood Development Plan (2016) (NDP). When taken together these seek to conserve and enhance heritage assets and ensure that development makes a positive contribution to the character of the site and its surroundings.
9. The harm that I have identified is less than substantial. Nevertheless, the Framework requires that great weight should be given to the conservation of a designated heritage asset, and any harm requires a clear and convincing justification.
10. I recognise that as an upgrade alternative sites have not been fully explored and the upgrade of the site at this location was chosen based on a number of factors with the aim of limiting any potential impacts of the scheme. However, apart from the sites highlighted by the Council, limited information with regards to other potential sites has been provided and, in my view, the evidence before me is not sufficient to satisfy me that the appellant has expressly considered or discounted potential alternatives.
11. I acknowledge that the proposal would deliver economic and social benefits including enhanced 3G and 4G in an area that is struggling with some network coverage, in accordance with paragraph 119 of the Framework. However, on the basis of the evidence before me, this would not be sufficient to outweigh the harm that would be caused to the character and appearance of the CA in this instance.

Health

12. The Council's concerns relate to nearby users and residents who have medical equipment that could be affected by electromagnetic fields (EMF's). A previous prior approval at the site has been subject to a High Court and Court of Appeal Judgement, specifically in relation to the impacts of a similar development on the health of nearby residents.
13. The High Court judgement states that guidelines expressly state that EMF's can cause harm by interfering with medical implants, and such issues were beyond the

scope of the guidelines. Therefore, requesting additional information regarding the EMF's and potential impact on nearby residents with medical implants would not involve setting health guidelines different from the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure.

14. The High Court judgement was challenged at the Court of Appeal (*Thomas v Cheltenham BC*). The judgement stated that *in Harris, Lloyd-Jones J held at [51] that, where there was the merest assertion of an indirect risk to health resulting from interference with electrical equipment and no evidence capable of demonstrating any objective justification for such fears, there was no obligation on the inspector to deal with the matter in his decision letter. In the same way, the outcome in the present case flows from the fact that the Council was not obliged to treat the issue of the impact of EMFs on medical implants as a material issue on the basis of the information that was available to it, either generally or in the form of the objections that it received. In a case where the evidence was different, the obligation on the local planning authority might also be different.*
15. The appellants submission provides additional information in the form of scenarios from the Government's Code of Practice on Wireless Network Development in England, on the siting of antennas on rooftops. These detail that where antennas are located on the edge of a roof and face outward, as proposed in the appeal scheme, the exclusion zone would not be accessible from the rooftop as it would face out over the edge of the building. Further, the height of the appeal building would move the exclusion zone away from the pavement, road, and users of the building. Thus, residents or visitors would not be located within nor accidentally access the exclusion zone.
16. Evidence before me indicates that there are three cases of individuals with medical equipment located within approximately 220 metres of the appeal site. One is an employee who works within five metres and the other two are residents. Whilst the exclusion zones relate to the highest EMF's, and the appellant has referenced evidence that EMF's generally do not harm adults or children, this does not deal with the matter of whether EMF's outside the exclusion zone could have a harmful impact on individuals with medical devices. Whilst I could have requested further information, as I am dismissing on other grounds, I have not progressed this matter further.
17. Due to the particular circumstances of this case, including its location and proximity to individuals with medical devices, I cannot be certain that the proposed development would not have a harmful impact on individuals with medical devices.

Other Matters

18. The appellant has advised that other works, such as bracketing additional antennae on to the existing pole, could be undertaken under permitted development rights. Whilst such works could be undertaken, based on the information provided by the appellant I am not convinced that these developments would be more harmful than the appeal scheme which would be bulkier and more visible.

Conclusion

19. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR

