



Appeal Decision

Site visit made on 18 February 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/P4605/W/24/3351104

Land at Yardley Wood Road, Billesley, Birmingham B13 0TF

- 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 Cornerstone Telecommunications against the decision of Birmingham City Council.
 - The application Ref is 2024/01162/PA.
 - The development proposed is the installation of a 20m monopole supporting 6 no. antennas and 2 no. 0.3m dishes, 2 no. cabinets, associated ancillary equipment and works thereto.
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Decision

1. The appeal is allowed and prior 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 installation of a 20m monopole supporting 6 no. antennas and 2 no. 0.3m dishes, 2 no. cabinets, associated ancillary equipment and works thereto at land at Yardley Wood Road, Billesley, Birmingham B13 0TF in accordance with the application 2024/01162/PA and the details submitted with it.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order), 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.

Planning Policy

3. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes to the Framework do not affect the main issues in the case, the parties have not been invited to make further comments in this regard.
4. The provisions of Schedule 2, Part 16, Class A of the Order do not require regard be had to the development plan. I have had regard to the policies of the development plan, related design guidance and the Framework only insofar as they are a material considerations which are relevant to matters of siting and appearance.

Main Issues

5. The main issues in this appeal are the effect of the siting and appearance of the proposal on the character and appearance of the area and, if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

Reasons

6. The appeal site comprises part of a grass verge which is set on the junction between Yardley Wood Road and Brook Lane. Both these roads are wide, tree lined avenue style roads with wide grass verges. The area in the vicinity features predominantly two-storey suburban housing however a small parade of shops exists further along Yardley Wood Road. Opposite the site is a fire station which is set on the edge of a large area of greenspace. The surrounding roads are relatively straight and, due to their open layout, present long vistas. The surrounding roads slope gently up towards the appeal site from the north and east. As a result, the site is located in a prominent position, being slightly higher than surrounding areas, visible in long views along roads and across areas of greenspace.
7. The proposed mast and the associated equipment would be tall, visible in these longer reaching views and would be detrimental to the character and appearance of the area as a consequence of its height and visual clutter. It would further be visible in private views from numerous homes on surrounding roads where it would appear as an awkwardly functional and unsightly installation in this context. This, in particular, would have an adverse effect on the outlook from properties along Menin Crescent.
8. Whilst these adverse effects are somewhat ameliorated by surrounding landscaping, which no doubt would be of greater effect in summer months, it would still be very visible and prominent due to the noted longer views and open aspects along grassed avenue style roads. The presence of other street furniture, most commonly in the form of lighting columns, would ameliorate this and the mast and equipment would, to a certain extent, blend in with this form of street furniture. Even so, the mast would still be noticeably taller, wider and bulkier and this would not be assisted with the presence of the equipment cabinets at its base. I accept these are permitted development by themselves, but they are unlikely to be installed without the monopole, so it is reasonable to consider their cumulative impact. The cabinets would add noticeably to the massing and visibility of the overall development and would exacerbate its conspicuous presence in the area.
9. I therefore conclude that the siting and appearance of the proposal would be detrimental to the character and appearance of the area. So far as they are material to the proposal, there would be conflict with policy PG3 of the Birmingham Development Plan (adopted 2017) (BDP), policy DM16 of the Development Management in Birmingham Development Plan Document (adopted 2021) (BDPD), Birmingham Design Guide SPD (2022) (BDG) and provisions of the Framework. These policies require new development to make a positive contribution to the public realm and sense of place; that telecoms installations are sited and designed so as to minimise visual impact.
10. Chapter 10 of the Framework makes it clear that high quality and reliable communications infrastructure is essential for economic growth and social well-

being. Equipment should be sympathetically designed and camouflaged where appropriate. Equally, local planning authorities (and by extension, Inspectors) must determine applications on planning grounds only. They should not seek to prevent competition between different operators or question the need for an electronic communications system.

11. It is therefore necessary to consider whether there are any alternative, preferable sites where the mast and antenna could be located. I have had regard to evidence submitted by the appellant in respect of the site selection process, including evidence in respect of the technical requirements for 5G antennas that precludes upgrading an existing mast or site sharing. I have also noted the relatively small area for which coverage is sought and this, of itself, presents difficulties as the small cell area reduces potential site options.
12. A schedule of 36 other options were considered and discounted by the appellant and I do appreciate that this full schedule was not presented to the Council in the application. This information may have altered its assessment of the proposal. These predominantly relate to potential ground based installations around Yardley Wood Road, Jutland Road, Coldbath Road and Brook Lane although a number of building mounted options were also explored. Various reasons are given for discounting each option, including (but not limited to) being due to narrow pavements, conflict with underground services, technical viability due to tree cover in the area and insufficient coverage being provided. I particularly note the reasons for discounting the training tower at the fire station which, as the appellant has noted, does represent the most apparently logical choice but is undeliverable due to practicalities of using this training tower and potential damage.
13. No alternative sites for the antennae have been suggested by the Council or interested parties, nor has any party indicated that any of the alternate sites investigated by the appellant would be preferable to that proposed. The only alternate design put forward for this site was a lattice mast that would, quite clearly, be significantly more harmful to the appearance of the area.
14. Having regard to all these matters, none of the alternative options or locations that have been drawn to my attention are clearly preferable to that proposed by the appellant. The proposed mast and equipment is located in a prominent position and would cause harm to the character and appearance of the area. However, I must conclude that the lack of alternative options, which have been explored quite exhaustively, points towards this siting being the most appropriate and the least harmful location. The proposal may well be more visually intrusive than would be the case elsewhere in terms of its siting and appearance but this must be balanced against the technical limitations of the network. Accordingly, based on the evidence before me, therefore, I find the search and assessment of alternative sites is sufficiently robust such that the identified need for the mast could only be met at the appeal site.

Other Matters

15. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the NPPF advises that health safeguards are not something which a decision-maker should

determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conclusion

16. The Framework recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing, and supports the expansion of electronic communications networks, including the introduction and maintenance of the 5G network.
17. In this case, I have identified that there would be visual harm caused due to the proposed installation being set on a prominent and exposed corner. I have, however, also determined that there is a distinct paucity of other reasonable alternatives of a lesser visual impact within the constraints of the network.
18. Therefore, insofar as they are relevant to my consideration of the siting and appearance of the proposed mast and cabinets, the development complies with policy PG3 of the BDP, policy DM16 of the BDPD, the BDG and provisions of the Framework. As such, I conclude that the economic and social benefits accruing from the provision of an advanced, high quality and reliable communications network outweighs the visual harm that would be caused. Therefore, for the reasons given above, the appeal should be allowed, and prior approval is granted.

Conditions

19. There is no authority in this type of case to apply any conditions beyond those set out in the relevant part of the Order. These conditions specify that the development must be carried out in accordance with the details submitted with the application, begin within five 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 with the land being restored to its condition before the development took place.

N Bowden

INSPECTOR