



Appeal Decision

Site visit made on 24 June 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28TH July 2025

Appeal Ref: APP/P4605/W/25/3359964

The Bulls Head, Stratford Road, Birmingham, Hall Green B28 9EF

- 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 EE UK Ltd & Hutchison 3G UK Ltd against the decision of Birmingham City Council.
- The application Ref is 2024/07704/PA.
- The development proposed is EE/H3G Valmont 20m High Phase 7 MK2 Streetworks Pole on root foundation and associated ancillary works.

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 siting and appearance of EE/H3G Valmont 20m High Phase 7 MK2 Streetworks Pole on root foundation and associated ancillary works at land at The Bulls Head, Stratford Road, Birmingham, Hall Green B28 9EF in accordance with the terms of the application Ref 2024/07704/PA, dated 29 November 2024 and the plans submitted with it including plan nos 1737794_BHM968_33474_M001 002 Rev A (Site Location Plan), 1737794_BHM968_33474_M001 215 Rev A (Max Configuration Site Plan), and 1737794_BHM968_33474_M001 265 Rev A (Max Configuration Elevation).

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. This appeal has been determined on the same basis.
3. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who do and do not share a protected characteristic.
4. I have removed words not in relation to acts of development from the description of development in the banner heading above. Additionally, I have used the address given on the decision notice for clarity.

Planning Policy

5. The provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. Therefore, I have had regard to the policies of the development plan and any related guidance as well as the National Planning Policy Framework (the Framework) only insofar as they are a material consideration relevant to matters of siting and appearance.

Main Issues

6. The main issues in this appeal are the effect of the siting and appearance of the proposed installation on the character and appearance of the area including The Bulls Head (a non-designated heritage asset (NDHA)) 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

Siting and Appearance

7. The appeal site is located adjacent to The Bulls Head public house and its car park. Stratford Road is a busy road with residential and commercial properties as well as shops, services and recreational facilities bordering the highway. There are various pieces of street furniture including street light columns and road signs in the immediate locality of the appeal scheme. Overall, the form and character of the immediate area close to the appeal site is generally urban with various examples of street furniture.
8. The proposed telecommunication monopole would be visible from shops and businesses on the Stratford Road and would be, to my mind, minimally visible from the residential dwellings located on Fox Hollies Road and Highfield Road due to the slim design of the appeal scheme. It would result in the relocation of a public bench. Nevertheless, it would still be viewed alongside the busy Stratford Road and extant street furniture, particularly as it would be located close to the junction of Stratford Road and Highfield Road. Moreover, the antennae located towards the top of the pole would be coloured light grey and as such would likely blend into the backdrop of the sky.
9. Furthermore, the associated ground-based cabinets would be, in my judgement, modest in scale and clustered in a contained location to minimise their visual effect. There are other low level street furniture located in the surrounding area, however at a reasonable distance from the appeal site and the proposed cabinets would not be significantly greater in height than the existing car park metal railings. Given all of the above, the siting and appearance of the appeal scheme would not, in my judgement, result in a harmful sense of visual or physical clutter or undermine the overall character of the surrounding area.
10. Paragraph 216 of the Framework establishes that the effect of an application on the significance of a NDHA should be taken into account in determining the application. It outlines that in weighing applications that directly or indirectly affect NDHA a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. The Bulls Head is locally listed and is a NDHA. The proposed installation would be located on a strip of pavement sited to the front of the car park and south of the

vehicular entrance to The Bulls Head. The Council's Conservation Officer has raised no objection to the appeal scheme stating that whilst the installation would distract from the experience of the NDHA it would be to a minor degree and consequently acceptable.

12. Given that the proposed siting of the appeal scheme would not be directly in front of the NDHA and the presence of the existing street furniture on the road as well as the overall urban character of the surrounding area, the proposed installation, to my mind, would result in minor harm to the significance of the NDHA. In my judgement, the benefits of a of a high-quality communications network facilitated by the proposed development would outweigh the minor harm I have identified regarding the significance of the NDHA.
13. Regarding the previous appeal decision close to The Bulls Head which pertained to a location approximately 57 metres from the appeal site before me, each application is determined on its own merit. Notwithstanding this, the appeal site before me is on Stratford Road with various urban street furniture, which in my judgement, has a notably different character to the more residential character of Fox Hollies Road. Consequently, for the reasons given above, the previous appeal decision does not lead me to a different conclusion.
14. There is limited substantive evidence before me to adequately demonstrate that the siting of the appeal scheme would result in an unacceptable level of noise or heat for customers of The Bulls Head or nearby residents, nor that its siting would result in unacceptable harm to hedgerows, wildlife, climate change and general biodiversity in this case. Additionally, given the limited substantive evidence, it has also not been adequately demonstrated that the siting and appearance of the proposed installation would result in graffiti.
15. Therefore, taking all matters into account, I conclude that the siting and appearance of the proposal would not result in a harmful effect on the character or appearance of the surrounding area including the NDHA. Insofar as they are a material consideration, the proposal would comply with Policies PG3, TP12 and TP46 of the Birmingham Development Plan 2017 (Online Version) and Policy DM16 of the Development Management in Birmingham Development Plan Document 2021. These policies seek, amongst other things, to ensure that developments including telecommunication developments, should be of a high design quality and respond to their surrounding context including the historic environment. Policy TP46 also outlines that telecommunication developments are critical to Birmingham's economic, environmental and social development.
16. It also for the above reason generally accords with City Note LW-55 of the Birmingham Design Guide Supplementary Planning Document 2022 (online version) insofar as it is a material consideration.
17. As I have found that the siting and appearance of the proposed development would be acceptable, it is not necessary to consider the detailed merits of any potential alternative site or the possibility of erecting antennae on an existing building, mast, or other structure.

Health

18. 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.

Other Matters

19. Disability and age are relevant protected characteristics to which the PSED applies. An interested party has raised concerns regarding the proposed installation and the effect it could have upon elderly individuals and children. However, as outlined above, the proposed installation has been designed to comply with the ICNIRP guidelines which include substantial precautionary safety margins and are considered protective of the entire population.
20. Therefore, I consider the proposal would not discriminate against persons with a protected characteristic or the other aims of the PSED stated above. As such, it would be proportionate and justifiable to allow the appeal.
21. Interested parties have indicated concerns regarding the proposed installation and a perceived lack of sustainability. Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, consequently, given that the concerns regarding sustainability are not determinative for this case.

Conditions

22. 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

23. For the reasons given above I conclude that the appeal should be allowed and prior approval should be granted.

B Astley-Serougi

INSPECTOR