



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/25/3360524

Grass verge opposite 27 Churchill Parade, Churchill Road, Birmingham

- 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 Infrastructure Limited against the decision of Birmingham City Council.
- The application Ref is 2024/03115/PA.
- The development proposed is 17.5m M-Range V2 pole with 6no. antennas, 1no. 300mm transmission dish, 3no. equipment cabinets, 1no. meter cabinet and ancillary development.

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 17.5m M-Range V2 pole with 6no. antennas, 1no. 300mm transmission dish, 3no. equipment cabinets, 1no. meter cabinet and ancillary development at land at Grass verge opposite 27 Churchill Parade, Churchill Road, Birmingham in accordance with the application Ref 2024/03115/PA, dated 12 May 2024 and the plans submitted with it including plan nos 100 Rev A (Site Location Maps), 201 Rev B (Proposed Site Plan), 301 Rev B (Proposed Site Elevation).

Preliminary Matters

2. I have used the address contained within the appeal form and removed any words not related to acts of development from the description of development in the banner heading above for clarity.
3. 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.

Planning Policy

4. 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 Issue

5. 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 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 is located on a grass verge at the junction of Churchill Road and Carhampton Road. The grass verge extends along both roads with residential development set back considerably from the public highway. Adjacent to the appeal site is a telecommunications mast and there are various pieces of street furniture including street lighting columns, bus shelters and road signs.
7. The surrounding area is predominantly residential in character interspersed with grassed areas. Opposite the appeal site is a row of shops with residential accommodation above. Churchill Road and Carhampton Road are relatively busy carriageways served by buses. Overall, the form and character of the area is suburban with various examples of street furniture.
8. The proposed telecommunication monopole would be visible from the immediate residential dwellings especially given that there is limited mature vegetation at the site. Nevertheless, it would be viewed alongside the aforementioned busy roads and extant street furniture, particularly as it would be located close to the junction and bus stops. Consequently, in my judgement, the appeal scheme would be perceived as part of the existing urban infrastructure and therefore would not be an incongruous or overly dominant feature within the surrounding area, especially given the adjacent telecommunications mast.
9. Regarding the nearby telecommunications mast, the existing streetwork would have to be redeveloped which would involve both a wider pole as well as a minimum height increase of approximately 10m in order to achieve the same outcome of coverage as the appeal scheme before me. Consequently, there would be limited benefits of sharing the existing infrastructure in my judgement and it would likely result in a more prominent installation. Notably, this was considered by the appellant in their Site-Specific Supplementary Information document dated May 2024.
10. I acknowledge the proximity of the nearby residential dwellings to the appeal site as well as a number of shops and community centre. However, whilst the monopole would be taller than a number of the other existing street furniture, it would have a slim and consequently unobtrusive profile in my judgement. Additionally, 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. Consequently, in my judgement, the siting and appearance of the appeal scheme would not result in unacceptable harm to the outlook of residents in nearby residential dwellings nor to individuals using the shops.
11. Additionally, the grass verges in the immediate surrounding area are characterised by significant depths and the spacing between the existing street furniture. In particular, the distance between the appeal site and adjacent existing mast, as well as the slim design of the appeal scheme would not, in my judgement, result in additional clutter when viewed in conjunction with the existing adjacent mast and

therefore not result in unacceptable harm to the relative openness of the surrounding area.

12. Furthermore, the associated ground-based cabinets would be modest in scale and clustered in a contained location to minimise their visual effect. There are other ground based cabinets located in the surrounding area however at a reasonable distance from the appeal site. Given all of the above, the appeal scheme would not, in my judgement, result in a sense of visual or physical clutter or undermine the overall character of the street scene including any floral displays, planters and wildflower meadows. Nor for the same reasons, would it result in unacceptable harm to the overall green space area.
13. There is limited evidence before me to adequately demonstrate that the siting of the appeal scheme would result in an unacceptable level of noise and consequently harm the living conditions of the occupants of nearby dwellings and in particular elderly residents.
14. An interested party has raised concerns that the siting of the proposed installation could prevent future highways infrastructure along Churchill Road such as bus stops or parking bays. There is limited evidence before me to adequately demonstrate that the appeal site is to become a public transport hub and consequently, I have determined this appeal on the evidence before me.
15. Additionally, there is limited evidence before me to adequately demonstrate that the siting and appearance of the appeal scheme would distract or affect vision of motorists and result in harm to highway safety.
16. 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. Insofar as they are a material consideration, the proposal would comply with Policy PG3 of the Birmingham Development Plan 2017 and Policies DM2 and DM16 of the Development Management in Birmingham Development Plan Document 2021. These policies seek, amongst other things, to ensure that developments including telecommunication developments, are of a high design quality and respond to their surrounding context.
17. For the same reasons as given above, the appeal scheme would accord with the general aims of the Birmingham Design Guide Supplementary Planning Document 2022 insofar as it is a material consideration.
18. 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.

Other Matters

19. Interested parties, including the Royal Sutton Coldfield Town Council have raised concerns regarding the appeal scheme.
20. Regarding the potential effect of the appeal scheme on human health including school children, due to radiation emitted by the appeal scheme. 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 National Planning Policy Framework (the Framework) advises that decision makers should not set health safeguards different from the International Commission guidelines for public exposure. 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.

21. 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.
22. Disability is a relevant protected characteristics to which the PSED applies. An interested party has raised concerns regarding the proposed installation and the effect it would have in relation to seizures for individuals with epilepsy. 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.
23. Another relevant protected characteristic is age. I have referred above to concerns regarding noise emission from the proposed installation. An interested party has indicated concerns regarding noise upon elderly residents. However, as outlined above there is limited evidence before me to adequately demonstrate that the proximity of the appeal scheme upon elderly residents in sheltered accommodation would result in unacceptable harm to their living conditions.
24. 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.
25. Whilst I acknowledge that interested parties may experience adequate mobile signal, this may relate to a different network and consequently does not result in a complete assessment of need or capacity in terms of building coverage or strength.

Conditions

26. 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

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

B Astley-Serougi

INSPECTOR