



Appeal Decision

Site visit made on 5 August 2025

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/P4605/W/25/3359873

Land at Pritchatts Road, Birmingham, B15 2SQ

- 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 against the decision of Birmingham City Council.
 - The application Ref is 2024/03691/PA.
 - The development proposed is a 17.5m high furniture style monopole mast with 6no. antennas, 2no. 300mm dishes, 2no. cabinets and all ancillary development.
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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 'a 17.5m high furniture style monopole mast with 6no antennas, 2no. 300mm dishes, 2no. cabinets and all ancillary development' at Land at Pritchatts Road, Birmingham, B15 2SQ in accordance with the application Ref 2024/03691/PA and the details submitted with it including the following plans: Location plan, drawing ref 100 revision A; Existing site plan, drawing ref 200, revision A; Proposed site plan, drawing ref 201, revision A; Proposed elevations, drawing ref 301, revision A.

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. The decision notice references several policies from the development plan. However, the principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A do not require me as decision maker to have regard to the development plan. That being said, the policies, along with the National Planning Policy Framework (the Framework), are material considerations where they are relevant to matters of siting and appearance and I have therefore treated them accordingly.

Main Issues

4. The main issues are as follows:

- The effects of the siting and appearance of the mast on the character and appearance of the area, and the setting of designated heritage assets.
- If harm is found, whether this would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Character and Appearance

5. The proposed mast and its associated equipment would be sited on a grass verge lining Pritchatt's Road. The local area includes both commercial and residential buildings which are generally of two-storey scale while the streets include trees, streetlights and some smaller street furniture including electrical cabinets and signage. The tree-lined streets and footpaths set behind grass verges give the local area a verdant and somewhat spacious character despite the traffic experienced along both Vincent Drive/Farquhar Road and Pritchatt's Road.
6. The proposed mast would be relatively slimline in profile along with its antennae and dishes. However, it would be significantly taller than the adjacent building and streetlights, and while the nearby trees are taller than those existing features they would not offer any reasonable level of screening. As such, this would introduce a harmfully stark and dominant vertical feature into the local area. Moreover, the cabinets are of significant size and would add clutter to the grass verge, harmfully eroding the pleasant open and verdant streetscene.
7. Taken together, I conclude that the siting and appearance of the mast and associated equipment would result in harm to the character and appearance of the area. While there is no requirement to have regard to the development plan, this would be contrary to policies DM16 of the DPD¹, PG3 of the BDP² and advice in the SPD³. These seek to ensure that new development reinforces or creates a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, among other things. Although policy DM2 of the DPD is also cited in the decision notice, this relates to residential amenity and this issue has not been raised by the Council. I have therefore not considered this policy further in this main issue.

Setting of Heritage Assets

Significance

8. The southwest boundary of the Edgbaston Conservation Area (ECA) is located in close proximity to the appeal site and generally runs along Pritchatt's Road. Furthermore, the Grade II* Chamberlain Tower⁴ is located to the southwest of the appeal site within the grounds of a Birmingham University campus. The proposed mast would be located within the setting of both, which I note is not in dispute. I

¹ Development Management in Birmingham Development Plan Document (adopted December 2017)

² Birmingham Development Plan (adopted January 2017)

³ Birmingham Design Guide Principles Document (September 2022)

⁴ List Entry Number: 1210306

have also had regard to the appellant's HIA⁵ which establishes the significance of both designated heritage assets and the potential impacts of the proposal.

9. The ECA Character Appraisal identifies the area as predominantly suburban, with much of the layout of streets and roads formed by the urbanisation of the Calthorpe Estate and its strict development controls historically. There are a range of architectural styles prevalent, which are indicative of the development of the area over time. Pertinent to this appeal are the contributions of expansive green spaces and relatively verdant streetscapes. The setting of the ECA is largely formed of a distinctly tighter knit form of development albeit green spaces are evident. The setting is therefore of a more transitional character while boundary treatments along Pritchatt's Road offer a sense of enclosure and form an identifiable boundary to this part of the ECA. The setting of the ECA therefore makes a positive but limited contribution to the significance of the heritage asset.
10. Chamberlain Tower is a campanile tower built in 1909 to commemorate Joseph Chamberlain, an influential politician prominent in the development and reform of education in the city throughout his life. The tower is evidently around 100m tall and constructed of brick and stone with a concrete base and lead roof. Due to its height, it is visible across large swathes of this part of Birmingham. Its significance is derived from its historic and architectural interests. Historic interest comes from its association with its subject and the University, while architectural interest is mainly drawn from its use of traditional materials and features such as the integrated clock. The tower alongside other buildings in the campus also has group value.
11. The setting of the tower covers a large area given its height. The HIA demonstrates some of these viewpoints from across the local area its visibility is apparent and clear from various locations. I also observed on the site visit that the upper half of the tower was visible from within the ECA at the roundabout at the junction of Pritchatt's Road and Farquhar Road where it appeared over the office building adjacent the appeal site. I agree that the more formal setting is from within and around the university campus where formal gardens frame the tower. This section of its setting contributes considerably to its significance. Whether intended or not, the various views and glimpses of the tower from the area, including around the appeal site, also contribute to the significance of the tower and its height and prominence would have been purposeful as a reminder of the significance of its subject and as an architectural statement. Its wider setting therefore also makes a positive contribution to its significance, albeit less than its more formal setting in the university grounds.

Effect of the Proposal

12. The appeal site would be clearly visible in the setting of the ECA, most notably from the junction of Pritchatt's Road and Farquhar Road. I have already concluded that the proposal would be harmful to the character and appearance of the area. The modern, utilitarian appearance of the most would be compounded by its height and appear incongruous in the area as a result. This would harm the setting and thereby the contribution this makes to the significance of the ECA. Moreover, section A.2(1)(c)(i) of part 16, class A of the GPDO states that permitted development of this type is subject to the condition that the siting and appearance

⁵ Heritage Impact Assessment – Dalcour Maclaren, December 2024

of any development which is visible from a site which is article 2(3) land, as in this case, must ensure that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site. It is unclear as to what steps have been taken to minimise the impacts of the mast and its ancillary equipment in this instance.

13. Although the view of the tower from the ECA adjacent the appeal site may be 'accidental' insofar as it was not designed to be appreciated in this manner and would be experienced over the roof of the modern office building, its presence is a positive feature from within the ECA and the local streetscape. The mast would appear of a similar scale to the tower in these views which would draw the eye away from the listed building and compete for its primacy in views from this location. This change will reduce the ability to appreciate the tower, a key architectural feature of the area, within the setting of the listed building.
14. Taken together, the proposal would cause harm withing the setting and thereby harm the significance of both the ECA and the listed tower. I have therefore had regard to the provisions of paragraph 212 of the Framework which advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is of particular importance given the Grade II* listed status of the tower.
15. Insofar as they are material considerations, the proposal would be contrary to policies DM16 of the DPD, PG3 of the BDP and advice in the SPD. These seek to ensure telecommunications equipment would not have unacceptable harm on heritage assets and their setting, among other things.

Heritage Balance

16. The GPDO is clear that the only considerations should be the siting and appearance of the proposal. In granting permission under Article 3(1) those benefits have effectively been acknowledged already. However, as per paragraph 215 of the Framework, the harm I have identified should be weighed against the public benefits of the proposal. I agree that the harm would be less than substantial, but worthy of great weight against the proposal.
17. The mast and its equipment would evidently improve 5G coverage in a small geographical area is part of a wider network, where the network may be undermined by gaps in coverage. Whilst only users of that particular operator would be using the service, these aspects are recognised as public benefits.
18. The proposed development's public benefits, through enhanced digital communications networks, attract significant weight in favour of the scheme. In recognising the great weight attached to the harm caused to designated heritage assets, the Government places considerable importance on the benefits of economic growth and social well-being from the expansion of the nation's electronic communications network. On this occasion, I consider that the benefits would outweigh harm to the significance of the designated heritage asset and its setting.

Alternative Sites

19. A further reason for refusal relates to the lack of supporting information submitted with the application regarding alternative sites and the reasons why a less harmful location for the telecommunications equipment could not be found. I note that the appeal was accompanied by a report detailing the reasons why 34 locations within the search area were discounted.
20. Paragraph 123 of the Framework advises that the need for electronic communications systems should not be questioned by the local planning authority or in this case, secretary of state. However, the need for the mast and ancillary equipment to be sited in this location set against the possibility of alternatives is subject to scrutiny.
21. The appellant advises that this area has existing 2G, 3G and 4G coverage but requires improved 5G signal. This has been supported by diagrams of coverage plots showing signal strength across the area (Figures 6 and 7). Despite the frustratingly blurry imagery and lack of explanation as to what 'dense urban' and the other labels actually mean, it appears to show the 5G signal would be improved as a result of the mast.
22. Thankfully the detailed evidence of alternative site selection is clearer and has been provided which identifies the cell search area and a number of alternative sites that were considered and discounted. I am satisfied that adding to existing masts, buildings and structures is not possible for the proposal as required in paragraph 122(c) of the Framework. I note that some of these locations have had permission refused for other masts, are close to listed buildings or within the ECA. Other reasons include the height of nearby buildings or lack of space at ground level for cabinets, among others.
23. On the basis of the evidence before me, I see no reason to disagree with the appellant's site selection process and while the Council was frustrated at not having this information at application stage, it has had the opportunity to comment at appeal. Nothing substantive was forwarded on this matter in their appeal statement of case. I understand that the site is close to identified sensitive locations such as heritage assets and educational institutions. I have considered these matters. However, the evidence on balance shows that the lack of alternative options to deliver improved coverage and capacity within the required area is a consideration which weighs strongly in favour of the appeal.
24. As such, the proposal would comply with paragraph 122 of the Framework in respect of the consideration of alternative sites, including the possibility of erecting antennas on an existing building, mast or other structure.
25. The proposal would also comply with policies DM16 of the DPD, PG3 of the BDP and advice in the SPD. These seek to demonstrate that there are no suitable alternative sites for telecommunications development available in the locality including the erection of antennae on existing buildings or other suitable structures, among other things.

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. As such, the conditions suggested by the Council are not necessary or reasonable.

Conclusion

27. The siting and appearance of the proposal would result in some limited harm to the character and appearance of the area and to the setting of the ECA and a Grade II* listed building. These attract significant weight against granting prior approval. However, in the absence of a more suitable alternative site within the required area and the need for the installation, that harm would be outweighed by the benefits provided by the improved telecommunications coverage and capacity. The proposal would therefore comply with the Framework when read as a whole with due regard to supporting high quality communications. I therefore conclude that the appeal should be allowed, and that prior approval is granted.

C McDonagh

INSPECTOR