



Appeal Decision

Site visit made on 7 July 2025

by **L Regan MSc CMILT**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025.

Appeal Ref: APP/P4605/W/25/3365270

Stratford Road, Hall Green, Birmingham 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 2025/01478/PA.
 - The development proposed is described as: 'a proposed telecommunications installation. Proposed EE/H3G Valmont 18m High Phase 7 MK2 Streetworks Pole on root foundation and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), 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.
3. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issue is 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

Character and Appearance

5. The proposal would be located to the rear of the footway on the eastern edge of Stratford Road. It is adjacent to a car park and outside seating area associated with the Bull's Head Public House which is a non-designated heritage asset.
6. In the vicinity of the proposal there is a lamppost and tree lines. However, they are not as high as the proposed mast and there is a gap in the treeline which would make the proposal visually prominent from various viewpoints along Stratford Road.
7. Whilst the mast pole would be relatively slender, it would introduce clutter at street level and an alien feature which would be overbearing and harm the character and appearance of the local area including the setting of the Bull's Head Public House.
8. I find that the siting and appearance of the proposed development would result in unacceptable harm to the character and appearance of the area. It would also not protect the setting of a non-designated heritage asset. For these reasons it would conflict with the Birmingham Development Plan (adopted 2017) Policies PG3, TP12 and Policy DM16 in the Development Management in Birmingham Development Plan Document (adopted 2021).

Need

9. The Framework emphasises the importance of advanced and reliable communications infrastructure for economic and social development. It supports expanding electronic communications networks, including 5G technology.
10. The appeal proposal is a replacement for a roof top mast which is the subject of a Notice to Quit. The proposed mast aims to deliver 5G coverage and provide an improved level of service.
11. The appellant has undertaken a sequential assessment of twelve alternative sites. They were all discounted for various reasons including lack of space available, proximity to residential properties and access issues. However, I have not been provided with specific details of these sites, and I am not persuaded that there are no other more appropriate locations which could meet the need for the installation.
12. For these reasons, I cannot be certain that all other suitable alternative sites have been fully assessed and considered. Therefore, the need for the appeal proposals in the location proposed does not outweigh the identified harm to the character and appearance of the area due to the siting and appearance.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

L Regan

INSPECTOR