



Appeal Decision

Site visit made on 9 December 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/P4605/W/25/3368256

South side of the roundabout with Dwellings Lane and Quinton Road West, Quinton, Birmingham B32 1PJ

- 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 2024/08042/PA.
 - The development proposed is the installation of a 20m high telecommunications mast with associated antennas, transmission dishes, equipment cabinets and ancillary development works.
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Decision

1. The appeal is allowed and 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 high telecommunications mast with associated antennas, transmission dishes, equipment cabinets and ancillary development works at the south side of the roundabout with Dwellings Lane and Quinton Road West, Quinton, Birmingham B32 1PJ in accordance with the terms of the application, Ref 2024/08042/PA, and the plans submitted with it.

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) 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 principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require consideration of the development plan. I have had regard to the policies of the development plans and related guidance only in so far as they are factors relevant to matters of siting and appearance
4. The description of development in the banner heading above is taken from the Decision Notice, while it is broadly similar, it differs from that on the application form. However, I note that the slightly revised description has been used on the appeal form.

5. The appellant has submitted an Arboricultural Impact Assessment including an Arboricultural Method Statement¹ (AIA) as part of the appeal. As the Council and interested parties have had the opportunity to consider this information as part of the appeal process no party would be prejudiced should I accept it. In response to concern expressed by the Council in relation to the AIA, the appellant has confirmed that it was prepared by a suitably qualified and highly experienced arboriculturist and is fully compliant with BS5837:2012. For the avoidance of doubt, I have therefore determined the appeal having regard to the AIA.

Main Issue

6. The main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area; living conditions of the occupiers of the surrounding residential properties having particular regard to outlook; and trees.

Reasons

Character and appearance

7. The appeal site comprises part of the footway adjacent to a roundabout. The surrounding area comprises commercial, residential and community buildings, including a school and GP surgery. The area includes mature trees, lamp posts, telegraph poles, road signs and various street furniture such as a bus shelter, bollards and bins.
8. The lower parts of the development would be seen against the backdrop of and screened in some views towards the site by the existing trees within the grounds of the neighbouring school. However, due to the height of the mast, it would be readily perceptible from most directions when approaching the roundabout. Nonetheless, as it would be seen within the context of the surrounding vertical structures, buildings and trees, despite its height, design and position adjacent to the highway, it would not appear as an anomalous or unduly conspicuous structure. Moreover, while the upper part of the pole would extend above the height of the trees and would be visible against the sky, this would not be at odds with the surrounding lamp posts, which are also seen in the same context.
9. In light of the above considerations, the proposal would not conflict with Design Principle 24 of the Birmingham Design Guide Supplementary Planning Document (SPD) which sets out that the siting and design of telecommunications infrastructure should be of a size appropriate to its surroundings; and be sited to minimise the visual and physical impact on the character of the surrounding area.
10. For the foregoing reasons, I conclude that the siting and appearance of the proposal would not harm the character and appearance of the area. Accordingly, insofar as they are a material consideration, it would not conflict with the high design quality aims of Policy PG3 of the Birmingham Development Plan, adopted 2017 (BDP) and Policies DM2 and DM16 of the Development Management in Birmingham Development Plan Document, December 2021 (DPD) which require development to be appropriate to its location in terms of amenity and sited and designed in order to minimise impact on the character and appearance of the surrounding areas.

¹ Arboricultural Impact Assessment by ACS Consulting dated April 2025

Living conditions

11. The appeal site is separated from the nearest residential properties opposite the site on Dwellings Lane and Quinton Lane by intervening highways, footpaths, highway verge and parking areas. Notwithstanding the overall height of the mast, and bulk created by the antennas at the top, it would have a generally narrow, slimline profile. Consequently, having regard to the design and form of the mast, when taken together with the separation distance from the surrounding residential properties, it would not appear as an unduly visually dominating feature when viewed from these properties. Furthermore, the ancillary equipment cabinet, which would be lower in height and modest in scale, would not be an imposing feature when viewed from the surrounding residential properties.
12. The proposal would therefore accord with advice in the SPD which sets out that the siting and design of telecommunications infrastructure should be sited to minimise the visual and physical impact on the amenity of adjacent uses.
13. I therefore conclude that the siting and appearance of the proposal would not harm the living conditions of the occupiers of the surrounding residential properties having particular regard to outlook. In that regard, as far as they are determinative in the matter, the proposal would accord with Policy PG3 of the BDP which seeks development of high design quality and Policies DM2 and DM16 of the DPD which require development to be appropriate to its location and not result in unacceptable adverse impacts on the amenity of neighbours, having regard to aspect and outlook, and be sited and designed to minimise impact on visual and residential amenity.

Trees

14. The adjacent trees, which are located behind a brick boundary wall within the grounds of the school, are close to the appeal site. The appellants AIA indicates that the monopole and cabinets, including foundations, would be located beyond the root protection areas of trees T1, T2 and T3. The AIA also highlights that the separation distance between the underside of the lowest antenna and the height of the trees is sufficient so as not to require significant pruning of the trees for a reasonable period of time. In addition, the Arboricultural Method Statement sets out precautionary measures to be taken, in accordance with best practice. Consequently, the AIA concludes that the mast and cabinets would have no implications in relation to the nearby trees. Based on the evidence before me, and given my observations on site, I have no compelling reason to reach a different conclusion.
15. Accordingly, I find that the siting of the proposal would not have a detrimental effect on trees. As such, the proposal would not conflict with the combined aims of Policies PG3 and TP7 of the BDP which seek development of a high design quality, and resist any development proposal that would sever or significantly reduce the green infrastructure network and Policies DM4 and DM16 of the DPD, which collectively, among other things, require development proposals to avoid the loss of, and minimise the risk of harm to, existing trees of quality and not to have unacceptable harm on areas of landscape importance, insofar as these are determinative to the issue.

Other Matters

16. 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 National Planning Policy Guidance 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.
17. The Highway Authority has not objected to the proposal on highway safety grounds. Given the location of the site, at the rear of a wide section of pavement, there is no clear evidence to demonstrate that the siting of the proposed development would distract, be an obstruction or otherwise result in harm to safety of drivers or pedestrians, either during construction or operation, including future maintenance.
18. Moreover, while I understand concerns, there is no substantive evidence that the proposal would result in antisocial behaviour, a risk to health and safety through young people climbing the structure, or an unacceptable level of noise.

Conditions

19. 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 include 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

20. For the reasons given above the appeal should be allowed and prior approval should be granted.

E Worley

INSPECTOR