



Appeal Decision

Site visit made on 22 January 2026

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/P4605/W/25/3374711

Baldwins Lane Garage, 250 Baldwins Lane, Birmingham B28 0XB

- 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 2025/03157/PA.
 - The development proposed is the installation of 17.5m high telecommunications mast with associated antennas, transmission dishes, equipment cabinets and ancillary development 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. It is sought to erect a 17.5m telecommunications mast with associated antennas, transmission dishes, equipment cabinets and other ancillary development. 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 and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issue

4. The main issues are:
 - the effect of the siting and appearance of the proposed installation on the character and appearance of the area, with particular regard to the non-designated heritage asset of The Baldwin public house; and,
 - if any harm would occur, whether this is outweighed by the need for the installation to be sited in this position by taking into account any suitable alternative sites and the public benefits.

Reasons

5. The appeal site is located opposite to The Baldwin public house. This is a non-designated heritage asset (NDHA) and is afforded a Grade B listing by the Council.

Such listings are structures or features that are important in the city-wide architectural or local street scene context, which warrant efforts to ensure their preservation. The Framework requires that the effect of an application on the significance of a NDHA should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

6. The significance of The Baldwin is derived principally from its architectural form and its contribution to the surrounding street scene. The building exhibits a 1930s architectural style with distinctive Art Deco influences, including a series of towers of varying heights along its northern elevation. Positioned within a generous plot adjacent to a multi-arm roundabout, its prominent siting, distinctive appearance, and function as a public house combine to create a clear focal point and local landmark within the street scene.
7. The appeal proposal would be positioned in front of Baldwins Lane Service Station, a vehicle service and repair garage flanked on one side by residential properties, with a commercial row of properties on the other. Both the garage and the surrounding buildings are modest in scale and limited in overall height. In contrast, the proposed mast and associated apparatus would substantially exceed the height of nearby buildings and all existing items of street furniture within the immediate area. Its considerable height, combined with a noticeably top-heavy profile and a width far greater than that of lampposts, telegraph poles, or other vertical elements in the street scene, would accentuate its visual dominance. The result would be an overtly intrusive, incongruous, and visually discordant structure in a location where installations of this nature are not characteristic or commonplace.
8. I shall now turn my attention specifically to the NDHA. Upon approach from Baldwins Lane, Barton Croft or Newborough Road, the NDHA is highly visible as a focal point of the street scene. The siting of the proposed development at this roundabout, alongside its alien appearance, would compete with the primacy and therefore the significance of The Baldwin. Attention would be drawn to its unusual appearance in a location where structures of this height and appearance do not exist. Furthermore, due to the position of the proposed development and the NDHA, there would be a large degree of intervisibility, further posing a challenge to the primacy to the NDHA.
9. Paragraph 122 (c) of the Framework notes that evidence should be provided which demonstrates that the applicant has explored the possibility of erecting the proposed development at an alternative site. The appellant has undertaken an exercise to assess alternative new sites. The reasons as to why options D1, D3, D5 and D6 in particular were discounted due to roof loading weights, roof space capacity, limited pavement widths, highway safety and its operational efficiency.
10. But, whilst an explanation has been given, this has not been corroborated by an evidence-based analysis, such as through the provision of weight calculations, a swept path analysis or site plans which clearly demonstrate that these sites are not feasible. In focusing on the suggestion that some sites were discounted due to limited pavement widths, I visited these locations during my site visit. It was noted that some of these alternative sites were in a location where the pavement appeared somewhat similar in width to the appeal site location.

11. Given such, from the evidence before me, I find that a sequential approach to site selection has been followed, but not with sufficient rigour to enable me to ascertain that there are no realistic opportunities to erect an installation in a different location where its siting and appearance would be less harmful.
12. In having a balanced judgment with regard to the NDHA and the scale of any harm, I am cognisant that, as shown in the submitted photomontages of the proposed development, visibility of the mast would be difficult upon approach to the roundabout where the appeal site would be located. This is due to the presence of trees along Newborough Road and the northern extent of Baldwins Lane. However, the concealment of the mast and its associated apparatus would be critically dependent on these trees being in leaf, or in situ. There is no absolute guarantee that these trees would remain in situ following the erection of the development. Furthermore, once at the roundabout, the proposed development, due to its alien appearance and position, would still compete with the NDHA as focal point at this junction. These trees would not hide the proposal at this point of visibility.
13. The Framework also advises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Decisions should support the expansion of electronic communications networks. I recognise the importance of good, fast, reliable and cost-effective communications and the economic, social, health, environmental and education public benefits that this mast would provide. These benefits are covered in detail within the evidence before me. Moreover, there is no basis to question the appellant's contention that the equipment is necessary to provide appropriate coverage. The cited benefits however do not outweigh the harm that would be caused by the proposal to the character and appearance of the area and its effect upon the significance of the NDHA.
14. In conclusion, the proposed development would appear alien and would be overly intrusive in these surroundings. Its siting and appearance would cause harm to the character and appearance of the area and would further have an unacceptable effect upon the significance of the NDHA. Accordingly, insofar as they are a material consideration, the proposal would be contrary to the aims of Policies PG3 and TP12 of the Birmingham Development Plan 2017 and Policy DM16 of the Birmingham Development Plan Document 2021. Amongst other things, these policies seek for development to respond to the local area context, conserve the significance of NDHAs and their setting.

Other Matters

15. The appellant has cited two appeal decisions within their appeal statement. Critically, these decisions have not been provided in the evidence before me. Nevertheless, even if these decisions were before me, each decision, including the prospect of the installation being sited at an alternative location, is made on its own merits.

Conclusion

16. For the reasons given above, the appeal is dismissed.

J Smith

INSPECTOR