



Appeal Decision

Site visit made on 8 December 2025

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: APP/Q3060/W/25/3373569

Proposed base station installation at (CS 30785900) SW's on Melbourne Road, Melbourne Road, Nottingham, Nottinghamshire, NG8 5HQ

- 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 Nottingham City Council.
 - The application Ref is 24/02081/PAT.
 - The development proposed is described as 'installation of 20m pole supporting 6no. antennas, 1no. 0.3m dish, installation of 3no. equipment cabinets, and ancillary development thereto'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the application, the appellant undertook a survey of a number of nearby trees. The results informed an Arboricultural Report dated March 2025 (AR), a Method Statement dated March 2025 (MS), an Arboricultural Survey drawing¹ (Survey Drawing) and an Arboricultural Layout drawing (Layout Drawing)². The Council disputed the accuracy of the survey findings.
3. The appellant's statement of case refers to human error and mislabelling within the AR and points to having undertaken a revised Arboricultural Report dated September 2025 (Revised AR) which corrects a mislabelling mistake, accurately identifies and plot the location of adjacent trees in relation to the proposed equipment including trunk positions, canopy spread, root protection areas (RPAs), species and current heights and to clarify methods. Notwithstanding the reference to a Revised AR, only a number of revised drawings were provided. Clarification was sought on this matter and the appellant subsequently provided an Arboricultural Implication Study dated August 2025 (AIS) which the Council were given an opportunity to comment on.
4. A number of revised drawings³ have also been provided. These include an Arboricultural Layout drawing number ARB/5229/Y/200 Rev a, dated August 2025 (the Revised AL Drawing) and an Arboricultural Survey drawing number ARB/5229/Y/100 dated Jan 2025 (the Revised AS Drawing).

¹ Arboricultural Survey drawing ARB/5229/Y/100

² Arboricultural Layout drawing ARB/5229/Y/200

³ Appendix 16 Appellant's Statement of Case

5. Notwithstanding that the Revised AS Drawing bears the same reference number as the original Survey Drawing, there are differences between the two drawings, including revised categories of tree and the extent of areas of canopy and root protection areas.
6. Whilst Tree T4-B1, as identified on the original Survey Drawing, was noted within the original AR to be an early mature/mature Maple, in good health and with a life expectancy in excess of 20 years, the appellant's revised position is that it is a '*T1-A1: Category A mature lime tree of high quality*' (Tree T1). Similarly, whilst Tree T3-B1 is shown on the Original AS to be an early mature/mature Maple, in good/fair health and with a life expectancy in excess of 20 years, the appellant's revised position is '*T2-B1: Category B early mature lime tree of moderate quality*' (Tree T2).
7. Whilst the Revised AL and AS drawings did not form part of the application upon which the local planning authority made its decision, the Council have had the opportunity of commenting on these as part of the appeal. I have therefore determined the appeal before me on the basis of the AIS, the Revised AL Drawing and the Revised AS Drawing.

Preliminary Matters and Main Issue

8. The principle of development is established by Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (the GPDO). Since the Prior Approval provisions do not require regard to be had to the development plan, I have had regard to the policies of the development plan and any related guidance 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.
9. As considered in *Murrell v SSCLG [2010] EWCA Civ 1367* the principle of development is not for consideration in any prior approval case. Therefore, the main issue is the effect of the siting and appearance of the proposed installation on the character and appearance of the area having particular regard to the retention and maintenance of street trees.

Reasons

10. The appeal site is located within an area of grass verge forming a central reservation positioned between the two carriageways of Melbourne Road, near to the junction with Nuthall Road, a busy A road. Whilst a pocket of commercial development exists at the junction with Nuthall Road, the surrounding area is predominantly residential and is mostly comprised of two-storey dwellings. A number of tarmac paths dissect the grass verge providing pedestrian routes linking Keverne Close with Melbourne Park. There are a number of elements of street furniture in close proximity to the site including bus stops, street lights and telecom poles.
11. The grass verge is planted with a mix of broadleaved trees. Notwithstanding that, at the time of my visit, the trees were without foliage, the trees are imposing specimens by reason of their tall heights, spread and the shape of their canopies. As a result, both individually and as a group, they are attractive specimens that are visually prominent and they make a significant positive contribution to the streetscape and visual amenity of the area. I have no substantive evidence before

me to demonstrate that the trees would be unlikely to survive on site for many years and therefore any loss of these trees would be to the detriment of the character and appearance of the surrounding area.

12. The proposed monopole would be positioned some 6.5 metres from the trunk of Tree T1 and outside of the root protection area (RPA) of any nearby tree. However, the proposed base cabinets would be some 3.5 metres from the trunk of Tree T1 and they would encroach, either wholly or in part, within its RPA. The proposed CS SFMC106 and proposed VF PSC Cabinet would be wholly located within the RPA of Tree T1 and a third cabinet, a VF Cheshire Cabinet, would also be positioned partly within RPA of Tree T1. Taking account of the revised RPA for Tree T2, the Revised AL Drawing shows that there would also be an incursion into the RPA of Tree T2 by reason of the siting of proposed base cabinet, CS SFMC160.
13. Notwithstanding that the appellant has altered the proposed development during the application process in an attempt to lessen the impact on tree roots by repositioning the base cabinets closer to the proposed monopole, the base cabinets would nevertheless encroach within the indicated RPAs of trees T1 and T2, which are proposed to be retained, and this would amount to a sizeable incursion within their RPAs.
14. Although some trees can recover from root disturbance, the RPA is the minimum area around a tree which is deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of roots and soil structure is to be treated as a priority. Notwithstanding that BS 5837:2012 recognises that technical solutions might be available that prevent damage to a tree, the default position is that structures should be located outside the RPAs of trees to be retained. As such, the proposed base units have the potential to unduly affect the root protection area of the retained street trees.
15. Conventional excavation methods are not proposed in this instance, and the proposed base cabinets would be constructed upon a plinth utilising screw pile foundations to minimise root disturbance. The turf layer would be removed and the general area excavated using soil vacuuming to enable the location of the large woody roots to be identified and allow for the piles and ducting to be positioned. Whilst the AIS asserts that the trees would be retained for their full life expectancy and the use of screw piles would minimise root cutting, it follows that there is a likelihood whereby interference with the root structure would not be avoidable despite a less intrusive construction method being undertaken.
16. In addition, the AIS goes on to explain the need to carry out a crown lift to the northern canopy of Tree T1 to give 3 metres clear branch and stem height in order to accommodate the proposed development. Whilst further vertical growth may be more limited due to the maturity of the street trees, as broadly shown within the appellant's submitted Streetview images, the appellant advises that 4G and 5G technologies use higher radio frequencies to transfer higher data volumes which results in transmission issues in terms of how the signal travels through material and over distance. With particular regard to trees, 5G signals are stated to be absorbed by foliage particularly when the canopy is wet after rain and therefore, due to the close proximity of the proposed development to these trees and their potential for some future growth, albeit limited, there is a reasonable likelihood that the proposed development would impact on them, either during construction or by

restricting the spread of their canopies. This may lead to pressure to thin their canopies or remove the trees in the future.

17. My attention has been drawn to a previous appeal decision⁴ within which the Inspector considered the effect of similar development on the future pruning of nearby trees. However, the full details of that appeal are not before me and I note that no construction works within the RPA of any nearby tree were proposed in that instance. The appeal decision is therefore not directly comparable to the appeal scheme before me.
18. Having regard to the above, the proposed development would entail construction works within a sizeable area of the RPAs of retained trees and a reduction of the canopy of Tree T1. There would also likely be an ongoing future need to thin and prune the tree canopy to maintain the effectiveness of the installation. I find that the appeal scheme fails to demonstrate adequate protection for the stability of the trees and that their long-term health and survival would not be unduly compromised. As mature trees of high quality, any loss through ill-health and the subsequent need for any felling works would be materially harmful to the character and appearance of the surrounding area.
19. Insofar as they are a material consideration, there would be conflict with Policy 10 of the Nottingham City Aligned Core Strategies Part 1 Local Plan (2014) and Policies DE1, DE2, EN6 and IN1 of the Nottingham City Land and Planning Policies Development Plan Document (2020) which require, among other things, for development to respect and enhance the local environment, townscape and character of the area and protect and promote biodiversity.

Other considerations

20. Whilst the appellant has an existing installation within the vicinity, I note that its' rooftop position makes it incapable of an upgrade to host improved 4G and new 5G antennas and ancillary equipment. It is stated that there are no other existing sharable communications sites nor any suitable buildings on which to install rooftop communications equipment. To avoid gaps in network coverage and overlapping coverage with neighbouring sites, the search area is therefore limited with the appellant explaining that there are no more suitable alternative siting options that would meet its technical and operational requirements.
21. The presence of two major foul sewers running along the grass reservation and their requisite exclusion zones are a further factor restricting the positioning of the equipment. As such, the appeal site represents the most preferable option given the physical and technical constraints of the alternative sites shown within the appellant's table of discounted options.
22. The proposed development would provide improved mobile coverage and network capacity within the Aspley area of Nottingham and enable the introduction of 5G services. There is government support for enhanced digital technology and connectivity and the proposal would align with the aims of the Framework insofar as it places importance on supporting high quality communications and on achieving well-designed places. The Framework recognises that advanced, high quality and reliable communications infrastructure, including 5G networks, are

⁴ APP/Z4310/W/25/3364407

essential for economic growth and social well-being. This is a matter weighing in favour of the appeal scheme.

23. The Council's tree services team were consulted on the appeal scheme and cited concern about the potentially harmful effect from electromagnetic radiation upon the health of the trees. However, this issue was not subsequently cited by the Council as forming part of their reason for refusal and there is no substantiated evidence before me to demonstrate that there would be any harm to the tree(s) attributed as a result of electromagnetic radiation from the proposed development.
24. Telecommunications are required to comply with the International Commission of Non-Ionizing Radiation Protection (ICNIRP) guidelines. The Framework advises that local planning authorities must determine applications on planning grounds only and not set health safeguards different from the ICNIRP guidelines for public exposure. An ICNIRP certificate has been provided to demonstrate the proposal would not cause harm to public safety. Additionally, no adverse harm has been identified with regards to neighbouring outlook. The absence of harm is a neutral matter that weighs neither for nor against a proposal.
25. Whilst my attention has been drawn to a previous appeal decision⁵, the full details of that appeal are not before me. The extent of any incursion of development within the RPA is not quantified and no initial tree pruning works were stated to be required. Since the schemes are not directly analogous to each other a comparison is of limited relevance in this instance.

Planning Balance and Conclusion

26. I afford moderate weight to the economic and social benefits of the appeal scheme. However, due to its siting and appearance, the proposed development fails to demonstrate adequate protection for the stability of the street trees and their long-term health and survival. Consequently, any loss through ill-health and the subsequent need for any felling works would be materially harmful to the character and appearance of the surrounding area. This matter attracts significant weight, and it outweighs the benefits associated with the proposed development.
27. I therefore find that the proposed development conflicts with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.
28. For the reasons given above, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR

⁵ APP/Y3805/W/20/3263605