



Appeal Decision

Site visit made on 21 January 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th February 2025

Appeal Ref: APP/M4320/W/24/3350601

Grass Verge of Warren Road, Blundellsands, Crosby L23 6UQ

- 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 Sefton Metropolitan Borough Council.
 - The application Ref is DC/2024/00677.
 - The development proposed is described as 'the proposed installation of 20m high Hutchinson street pole, with 6 no. VF antennae and 1 no. VF 300mm dish, 3 no. cabinets, plus ancillary equipment'.
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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, 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. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, Policies EQ2, HC3, NH9, NH11 and NH12 of A Local Plan for Sefton (2017) (LP) are material considerations as they relate to issues of siting and appearance. In particular, they seek to ensure development responds positively to its surroundings and protects the significance of Sefton's heritage assets and their settings.
4. Similarly, the National Planning Policy Framework is also a material consideration, and this includes a section on supporting high quality communications. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The sections relevant to this appeal are unchanged. Therefore, the principles that apply to this decision remain the same.
5. In relation to nearby designated heritage assets, the submitted evidence confirms that the appeal site is located close to two Grade II listed buildings (LBs) known as Church of St. Joseph¹ (CSJ) and Blundellsands United Reformed Church² (URC). As this is an application for prior approval and not an application for planning permission, section 66(1) of the Planning (Listed Buildings and Conservation

¹ List entry: 1257345

² List entry: 1257343

Areas) Act 1990 (the Act), in relation to listed buildings, does not apply. However, the relevant paragraphs of the Framework regarding conserving and enhancing the historic environment are nevertheless applicable to any development that would affect the significance of any listed building including its setting.

6. The site is located in the Blundellsands Park Conservation Area (CA). There is a duty imposed by Section 72(1) of the Act requiring decision makers, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The appellant has provided additional drawings indicating alternative green and grey colour finishes to the proposed development. These alternative drawings do not represent a substantial difference or fundamental change to the appeal proposal. The Council has had an opportunity to review and comment on this evidence within its appeal statement. Therefore, it is not prejudiced by me taking the alternative drawings into account.

Main Issue

8. The main issue is the effect of the siting and appearance of the proposed installation on the character or appearance of the Blundellsands Park Conservation Area and the effect on the significance of the identified listed buildings through development within their settings; 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

Siting and appearance

The heritage assets

9. The CA designation encapsulates a residential area including the sweeping 's' shape of The Serpentine. The Serpentine is a long and wide route which curves around the ends of Key Park, with the railway line and promenade adjacent to Crosby beach running along two sides of its outer boundaries. Warren Road is also a long and wide linear route which runs along one side of Key Park, parallel to the coastline, forming a semi-circle shaped connection with The Serpentine. The special interest and significance of the CA is largely derived from the area's long history and the planned development alongside the railway line. This includes a diverse range of large, detached villas set in spacious grounds with generous spacing between them alongside its green spaces and mature planting.
10. The Grade II listed CSJ and URC are key landmark buildings within the area. The URC has red sandstone walls, green slate roof and a prominent tower which sits adjacent to its nave. The external surfaces of the CSJ comprises sandstone rubble and slate roof and it has a decorative porch and turret.
11. The significance of both churches is derived in part from their age, surviving historic fabric, distinctive architectural features and form, and their prominent position on spacious corner plots on primary routes through the CA, as identified in the Blundellsands Conservation Area Appraisal (the Appraisal). The Appraisal further identifies localised views of these churches to be of importance to the character of the CA. The intervisibility between the churches as well as the openness of their grounds and surroundings, positively contributes to the spaciousness of their

settings and forms part of the surroundings within which each of these listed buildings is experienced.

The effect of the proposal on the heritage assets

12. The appeal site comprises a grass verge containing trees and shrubs, located close to the staggered junction of Warren Road with The Serpentine South. Other than buildings and streetlights, there are few manmade vertical features in the area. The open space which contains landscaping and mature trees at and adjacent to the appeal site positively contribute to the spacious and verdant character of the area.
13. The appellants' photomontages demonstrate that views of the proposed mast from 'The Serpentine South looking west' and from 'Nicholas Road and The Serpentine South looking east' would be screened by existing boundary treatments including mature trees and high shrubs. However, they show that it would be visible from 'Warren Road looking south east' and from 'Warren Road looking north west'. Furthermore, the photomontages provided are limited to four viewpoints, views of the proposal would be achievable from many other parts of Warren Road and The Serpentine South. The proposal would be visible from various positions around the junction.
14. The appellant has set out the rationale for the height of the tower and explained that the height of 20 metres is the lowest height that is operationally feasible. This means that the upper parts of the mast including the antennas and dish would sit significantly above the canopy of the surrounding trees and would therefore also be visible in the skyline in more distant views.
15. The height and design of the proposed mast would introduce a new and noticeably different structure to the area, whether its colour finish is green or grey. The dish and antennas mounted onto the upper parts of the pole in particular, would appear incongruous and would particularly draw the eye. It would reduce openness and distract in views of the URC, particularly from 'Warren Road looking south east', where the proposal would be seen in the foreground of the URC particularly where the route turns slightly, on approach to the junction. The proposal would also interrupt more distant yet spacious and open views between the CSJ and URC along Warren Road looking north west, which would be harmful to the intervisibility between their settings. The proposal would be harmful to the setting of these landmark listed buildings, and therefore their significance.
16. There are two existing cabinets located within the grass verge and the additional proposed cabinets would add to the kerbside clutter. This would diminish the quality of the grass verge that currently positively contributes to the open and spacious qualities of Warren Road and the CA. Even though the cabinets on their own might constitute permitted development, the identified harmful visual effects of the proposal as a whole would erode the appearance of the CA, adversely affecting its significance.
17. My attention has been drawn to an appeal decision relating to a monopole and associated equipment allowed on 'Land at Warren Road'³. This development was never implemented and was for a lower 15-metre-high monopole located on the opposite side of Warren Road to the appeal proposal, in a position set back from the roadside edge and had no antennas or dishes attached to the mast. The effects

³ Appeal ref: APP/M4320/A/12/2170819

of the proposal upon heritage assets therefore differed in that instance. That decision does not therefore represent a direct parallel to the appeal proposal, including in respect of scale, design and location.

18. For the reasons above, the siting and appearance of the proposed installation would fail to preserve or enhance the character or appearance of the CA. It follows that the proposal would fail to accord with the statutory presumption under s72(1) of the Act and there would be harm to the significance of the CA. Furthermore, the proposal would not preserve the setting of the Grade II listed buildings known as the URC and the CSJ.
19. Given the scale and nature of the proposal, the degree of harm to the significance of the CA and the listed buildings would be less than substantial. Paragraph 215 of the Framework states that this harm should be weighed against the public benefits of the proposal as set out in the 'Heritage and planning balance' below.

Alternative sites

20. There is no dispute between the main parties that the proposed installation is necessary to provide 5G services in the area. The appellant states that they have received a 'Notice to Quit' regarding the operation of their existing base station site on the tower of the URC⁴, following planning permission being received for its conversion to apartments in 2022⁵. They indicate that a replacement solution is required to prevent the loss of service in the local area.
21. Paragraph 122 of the Framework explains that applications for electronic communications, including prior approval, should be supported with the necessary evidence to justify the proposed development. This should include for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast, or other structure. The appellant indicates that there are no existing base stations that can be used, and that there are no better operationally viable rooftop sites or other structures which are less harmful than the appeal site.
22. The evidence suggests that 'as a rule of thumb for enabling a replacement base station to fit seamlessly into the existing and planned network' the area of search is a radius of around 250 metres around the existing base station. Overall, the appellant's evidence indicates that 40 alternative sites have been considered and discounted by them. This includes sites within a 250-metre radius of the existing base station and within the wider target area.
23. However, I cannot accurately determine whether the reasons for discounting these other sites are reliable or robust, as the reasons given for discounting them is brief, generic and unsupported by other evidence. For example, a number of sites are discounted for being 'less viable' than the appeal site from an operational perspective based on it being outside of the 250-metre radius, as opposed to being completely unviable with clear reasons.
24. Some sites were discounted as being more visible, with less natural screening, a greater risk of impacting on trees and/or closer to a greater number of dwellings. The appellant in each instance reached a view with little information as to why they considered the alternative site to be unsuitable in comparison to the proposed site,

⁴ Council refs: S/2008/0675 and DC/2017/00119

⁵ Council ref: DC/2022/00891

which is within the CA and within the setting of two Grade II listed buildings. There is little information before me on the alternative sites, and so I am not able to form my own view in this regard. Moreover, there is no substantive evidence demonstrating why other areas of land not within the appellant's search within or close to the search area were not considered.

25. Consequently, I am not satisfied that a comprehensive review of the availability of alternative sites within the search area has been undertaken to demonstrate that the appeal site represents the only viable option.

Heritage and planning balance

26. Paragraph 119 of the Framework states that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. It also states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.
27. The appellant has stated that the site is required to replace and provide up to date network services including the establishment of new 5G coverage and network capacity within the search area. The public benefits associated with the provision of enhanced digital communication includes benefits to the wider economy, improved connectivity for businesses and communities and high quality and widespread coverage. This would support the aims of the UK Wireless Infrastructure Strategy, Connected Nations England Report 2023, The UK Digital Strategy Paper, Future Telecoms Infrastructure Review, The Electronic Communications Code 2017 and the draft Sefton Digital Strategy 2024-27.
28. However, heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations, as set out in paragraph 202 of the Framework. Therefore, although the government aims to facilitate the growth of new telecommunications systems and digital technologies, it also places great emphasis on protecting designated heritage assets and their settings.
29. Having regard to the benefits of the proposed development, on the basis of the evidence before me and my own observations on site, the proposed installation would result in harm to the character and appearance of the CA. It would also result in harm to the significance of the identified listed buildings through development within their settings. There is no clear and persuasive evidence to demonstrate that the appeal site represents the only viable option. Therefore, notwithstanding the need to upgrade the network and assist the government's aspirations along with the associated public benefits, the less than substantial harm that would arise from the siting of the proposed development would not be outweighed by the overall need in this location.

Other Matters

30. My attention has been drawn to appeal decisions relating to applications for prior approval for telecommunications equipment on the Junction of Swanhurst Lane and Wake Green Road⁶ and the grass verge on Dogpool Lane⁷. I am not aware of the

⁶ Appeal ref: APP/P4605/W/21/3271311

⁷ Appeal ref: APP/P4605/W/21/3271840

full circumstances of these cases which in any event are located in different areas to the appeal site. The circumstances that applied to these cases are not therefore directly comparable to those before me.

Conclusion

31. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR