



Appeal Decision

Site visit made on 1 April 2025

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/Z4310/W/24/3358165

Land off Clough Road, Adj. to Speke Boulevard, Liverpool, L24 2US

- 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 against the decision of Liverpool City Council.
 - The application Ref is 24PT/1043.
 - The development proposed is the installation of a 22.5m high mast supporting 3no. antennas, 2 no. 0.3m dishes and ancillary equipment. The installation of 2 no. equipment cabinets and a meter cabinet and development ancillary thereto.
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Decision

1. The appeal is allowed, and prior 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 22.5m high mast supporting 3no. antennas, 2 no. 0.3m dishes and ancillary equipment. The installation of 2 no. equipment cabinets and a meter cabinet and development ancillary thereto at Land off Clough Road, Adj. to Speke Boulevard, Liverpool, L24 2US in accordance with the application 24PT/1043 and the details submitted with it, pursuant to Article 3(1) and the Conditions in Schedule 2, Part 16, Class A, paragraph A.2 and A.3.

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, Part A.3 require me to assess the proposed development on the basis of its siting and appearance, taking into account any representations received.
3. The principle of development is established by the GPDO 2015. 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 therefore had regard to the policies of the development plan, 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. My determination of this appeal has been made on this basis.

Main Issues

4. The main issues are therefore the effect of the siting and appearance of the proposal on the living conditions of occupiers of nearby properties, the character and appearance of the area and any effects on nearby trees.

Reasons

5. Given its height, it is undeniable that the proposed mast would be visible from houses on Clough Road and the surrounding area and it would be taller than the trees around it. However, I do not find that this would be unacceptable, or that it would cause harm to living conditions. The site is set some distance from residential properties, is very obviously in line with the road and other vertical forms along it, and the somewhat utilitarian appearance of the mast would be consistent with the road and the development on its northern side. In addition, from most viewpoints, the site and mast are backdropped by the obvious and large warehouse on the other side of Speke Boulevard. The siting and appearance of the mast whilst visible, would not be overbearing and would not therefore harm the living conditions of the occupiers of nearby properties.
6. The proposed mast would be located on an existing concrete pad, within an existing enclosure. Seen from both Clough Road and Speke Boulevard, the site lies within an established belt of trees, reinforced with an obvious brick boundary wall to one side, with trees, vegetation and crash barriers on the other. Along Clough Road and within the housing nearby, there are other vertical features, including, but not limited to streetlights, signage and other masts.
7. Similarly, along Speke Boulevard in addition to the established trees, the proposal would be seen in the context of tall streetlighting columns, another telecoms mast, signage and indeed, several examples of tall, prominent public art. Given that, I do not find that the siting and appearance of the proposal would harm the character and appearance of the area.
8. Whilst it would be necessary to prune trees around the site in order to install the proposed mast, the evidence before me suggests that the need for future pruning would be minimal. Further, there is no evidence to suggest that any such future pruning would be detrimental to the long-term health of nearby trees, and the concern of the Council that the proposal would lead to excessive pruning of the trees is not borne out by any evidence. I am therefore satisfied that the siting and appearance of the proposal would not have an unacceptable effect on nearby trees.
9. The Council has cited a number of development plan policies in their decision notice. Insofar as they relate to the siting and design of the proposal, I consider that the proposal accords with policies H7, GI9, UD1 and STP4 of the Liverpool Local Plan 2013-2033.

Conditions

10. I note that the Council has suggested a number of conditions. As the GPDO does not provide any specific authority for imposing additional conditions, beyond the deemed conditions for development by electronic code operators, I have not imposed them. Had I considered that those conditions were necessary to ensure the satisfactory siting and appearance of the proposal, the appeal would have been dismissed. In any event, I am satisfied that the details within the submission, including those within the drawings concerning finish and detailing the removal of redundant equipment, are sufficient.
11. Any approval granted under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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. No further conditions are necessary, given the nature of the site and the detail of the proposals.

Conclusion

12. The proposal is therefore acceptable on the basis of its siting and appearance, taking into account any representations received, and for the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

S Dean

INSPECTOR