



Appeal Decision

Site visit made on 20 May 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/M0655/W/24/3358028

Roebuck Plaza, Buttermarket Street, Warrington WA1 2PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by EE UK Ltd & Hutchison 3G UK Limited against the decision of Warrington Borough Council.
 - The application Ref is 2024/01207/FUL.
 - The development proposed is described as 'Proposed rooftop telecommunications installation. Proposed 6No. Antennas on Tripods, 4No. 600 Dishes, 2No. GPS Nodes, 4No. Cabinets and associated ancillary works'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The extent to which the proposal would preserve or enhance the character or appearance of the Buttermarket Street Conservation Area, and its effect on the character and appearance of the host building and the town centre; and
 - Whether the proposal would preserve the setting of nearby Grade II listed buildings.

Reasons

3. The appeal site is close to several Grade II listed buildings including the Roman Catholic Church of Saint Mary (the Church), 80 Buttermarket Street (No 80), 82 and 84 Buttermarket Street (Nos 82 and 84) and the Porter's Ale House, listed under the name of Cross Keys Public House (the Pub). The listed buildings hereby identified are contained within the Buttermarket Street Conservation Area (CA), as is much of the host building.
4. I have therefore had special regard to the desirability of preserving the setting of the listed buildings as set out at Section 66(1) of the Act. I have also had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA as set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The Church is located on Buttermarket Street close to the appeal site. It dates from 1877 to 1906 and was designed by Pugin and Pugin, and said, by Pevsner, to be their best work. It is a stone church in a decorated style with architectural features including a very tall and slender south-west tower. The significance and

special interest of the Church is, in part, derived from its historic value as a place of worship and from its architectural and aesthetic value from its gothic revival style.

6. No 80 is a late 18th Century two storey house with school added at the rear, to which is attached the late 18th Century pair of three storey houses, Nos 82 and 84. Between these listed houses and the host building is the Pub, an ornate gothic style Victorian two storey building. The significance and special interest of such listed buildings is derived from their architectural and aesthetic value, and, including the Church and other listed buildings nearby on Buttermarket Street and Dial Street, from their group value. The host building is adjacent, or close, to these Grade II listed buildings and is visible in views of them along Buttermarket Street and other roads nearby. It is therefore within their setting.
7. Buttermarket Street Conservation Area (CA), which covers a small area near to the town centre, is dominated by historic buildings, including the listed buildings referred to above. I consider that the significance of the CA, insofar as it relates to this appeal, is mainly derived from its small and enclosed streetscape and the quality and variety of the historic buildings within it, including the important landmark building, the Church.
8. The host building is a large structure that is situated in a prominent position within the CA and in views along several approaches to the town centre. It is of a simple design with an uncluttered roof line.
9. The appellant states that the proposal has been designed to be as discreet as possible, however, the plans show the proposal at a very small scale and, therefore, the detailed design of the proposal is not clearly represented. I note that the proposed antennas, dishes and associated equipment would be on the tallest part of the building, distributed over three locations thus avoiding one large cluster. Nonetheless, it is apparent that all elements of the proposal would noticeably exceed the highest part of the host building, with the proposed antennas projecting some distance above the roof level. It would disrupt the clean lines of the roof and of the facades of the host building adding visual clutter. Consequently, it would appear incongruous and detract from the restrained appearance of the host building, adversely affecting its architectural integrity. This, in turn, would harm the character and appearance of the CA, as well as the public realm and environmental quality of the nearby town centre.
10. Although the host building is higher than the identified listed buildings, its uncluttered roof and simple design comfortably relates to them. The proposed installations would be considerably above the eyeline in views of No 80, Nos 82 and 84 and the Pub, and, given the considerable height difference, would not directly compete with these buildings. However, the addition of clearly visible vertical elements to the rooftop of the host building would be seen in certain views of the Church tower and in views from within and into the CA. It would draw the eye away from the Church tower which would diminish the ability to appreciate its significance, thereby failing to preserve the setting of this listed building.
11. Rooftop telecommunications are not unusual within an urban location. Nonetheless, in this case, for the reasons above and in the absence of a Heritage Statement that demonstrates otherwise, I find that the proposal would fail to

preserve or enhance the character and appearance of the CA as a whole and would lead to a loss of significance of the listed Church.

12. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, requires clear and convincing justification.
13. In this instance, due to the small scale of the proposal, the harm to the identified heritage assets would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. The appellants' submission sets out that the proposal is in response to the need to find an alternative site to cover the town centre following a notice to quit from a temporary site off Crown Street. In accordance with the sequential approach set out in the Framework, the appellant has identified six alternative sites all of which, except for one, are discounted for reasons that are briefly set out. However, nominal location D2, a college building, is identified as a backup if the preferred option fails. This site has not been identified as being within a conservation area or within the setting of listed buildings and, therefore, subject to further investigation, might reasonably be less harmful than the appeal proposal.
15. The Framework indicates that planning decisions should support the expansion of electronic communications networks. The proposal is required to improve digital coverage within the area and to facilitate 5G coverage which will benefit consumers. In addition, through use by the Emergency Services Network, the proposal would provide resilient and secure communications for the emergency services. I attach positive weight to these benefits. Nevertheless, as it has not been demonstrated that the site is the only suitable, sequentially preferential site available, such benefits of the proposal do not outweigh the harm that I have found to the identified designated heritage assets.
16. The appeal submissions before me indicates that the existing, temporary, site replaced one on the roof of a tall building near to the appeal site, at the junction of Scotland Road and Cockhedge Way. As such, there is, and has been, telecommunications development near to the appeal site. However, in the absence of evidence to the contrary, there is no basis upon which to conclude that there is a local precedent for rooftop telecommunications equipment within a conservation area or the setting of a listed building as is proposed in this case. Such previous and existing telecommunications development therefore accrues limited weight in favour of the proposal.
17. I have had regard to the appeal decision referred to by the appellants in the London Borough of Hammersmith. However, in that case the Inspector did not find harm to any designated heritage assets, unlike my findings in respect of this appeal. Consequently, that decision is not directly comparable to the proposal before me and does not, thus, weigh in its favour.
18. In conclusion, the proposal would harm the character and appearance of the Buttermarket Street Conservation Area, the host building and the town centre, and would harm the setting of the Grade II listed Roman Catholic Church of Saint

Mary. It would, therefore, be contrary to policies DC2 and DC6 of the Warrington Local Plan (LP), adopted December 2023, which seek to conserve or enhance the historic environment and promote good design. It would not satisfy the requirements of Sections 66(1) and 72(1) of the Act. In addition, it does not accord with the good place making aspirations set out in the Warrington Town Centre Supplementary Planning Document (adopted June 2021).

19. The Council has also referred to LP Policy TC1 in its decision notice which relates to key development sites. However, based on the evidence before me, the appeal site is not located in any of the key sites identified within the policy. As such, it is not relevant to the main issues that I have identified.

Conclusion

20. The proposal conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
21. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR