



Appeal Decision

Site visit made on 16 July 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/M4320/W/25/3361529

Warren Road, Blundellsands, Crosby, Sefton, Liverpool L23 6UF

- 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 MBNL against the decision of Sefton Council.
 - The application Ref is DC/2024/01840.
 - The development proposed is prior notification procedure for the installation of 1no. 20m Valmont street pole, 6no. panel antennas, 2no. 300mm dishes, 5 no. cabinets and ancillary equipment.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the Application Form is not descriptive, instead it refers to other application documents. Therefore, the description of development in the banner above is duplicated from the Decision Notice and Appeal Form.
3. 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.
4. 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, April 2017 (LP), are listed on the Decision Notice and are material considerations. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration.
5. The appeal site is in proximity to two Grade II listed buildings, Blundellsands United Reformed Church¹ (URC) and Church of St Joseph² (CSJ). As the application subject to the appeal is not for planning permission, the statutory test outlined in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) does not apply. Nonetheless, the effect of the proposal on the listed buildings should be considered in accordance with the Framework.

¹ List Entry Number: 1257343

² List Entry Number: 1257345

6. The appeal site is also within the Blundellsands Park Conservation Area (BPCA). There is a statutory duty imposed by Section 72 of the Act which requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Main Issues

7. The main issues are:
- the effect of the siting and appearance of the proposed installation on the character and appearance of the area, and on URC and CSJ, and the BPCA; 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

8. As above, the appeal site is located within the BPCA. The significance of the Conservation Area is partly derived from the planned development surrounding the expanded railway dating back to the 19th Century. The original pattern of development has largely been retained. Due to the alignment of the roads within BPCA, and the presence of tall trees, views of significant buildings are gradually revealed. Overall, the area has a verdant, suburban character due to the presence of tall boundary planting which screen large houses that are set back from the road.
9. The appeal site is also located close to URC and CSJ, both Grade II listed buildings. The significance of these buildings includes their distinctive architectural features and their prominent position in large corner plots. The Conservation Area Appraisal³ identifies that localised views of these churches are of importance to the character of the Conservation Area, and the openness of the land surrounding them adds to their almost panoramic influence.
10. The appeal site is located within a wide grass verge to one side of Warren Road. The verge accommodates street furniture including a lamp post and a street sign, as well as several trees. It positively contributes to the verdant character of the area. Whilst the area is not open due to the presence of several large trees, it forms part of a largely undeveloped area which contributes to the setting of both of the listed buildings. Moreover, the trees frame the listed buildings in views from this part of Warren Road, in particular URC is very prominent in views from the appeal site.
11. The proposed installation would be substantially taller than the surrounding development and trees. Whilst it would need to be tall to avoid interference, the introduction of a significant piece of infrastructure would appear at odds with the largely undeveloped nature of the area. Furthermore, its utilitarian appearance would contrast with the verdant character. The appellant has proposed a condition which would require the installation to be painted green. However, this would not

³ Blundellsands Conservation Area Appraisal, March 2008

overcome the harm caused by the proposed installation's scale and massing which would make it appear incongruous when viewed within the street scene.

12. The proposed antennas and dishes on the upper section of the street pole would add massing to the proposed installation and distract from the listed buildings in mid-distance views. In particular, the proposed installation would be prominent in the view of URC from this part of Warren Road. Therefore, the proposed installation would not integrate well with the existing built environment and would be harmful to sensitive viewpoints. Accordingly, the siting and appearance of the proposed installation would harm the setting of both listed buildings.
13. Although the proposed installation would be sited near other pieces of street furniture, it would not assimilate with them as it would be over twice the height of the lamp posts. Furthermore, nearby trees would only screen lower sections of the proposed installation, and only for part of the year. As such, these aspects of the proposal would not overcome the identified harm.
14. There are more masts within urban environments than there was previously, as such they would be expected in some areas. It is also not the Government's intention to restrict the construction of masts within conservation areas. Moreover, development within conservation areas can be acceptable and the design of street furniture is not considered a defining feature of BPCA. Nonetheless, Section 72 of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposal would neither preserve nor enhance the character or appearance of BPCA.
15. The appellant has indicated that a Notice to Quit has been served on the existing installation which is on the roof of URC and that its removal would be a benefit of the proposal. Firstly, that installation is sensitively designed and is not harmful to the listed buildings; secondly, the removal of that installation would occur regardless of the outcome of the appeal. Consequently, the removal of that installation would not be a benefit of the appeal proposal.
16. An Inspector⁴ concluded that a nearby site did not form part of the setting of the listed buildings. However, that was for a smaller proposed installation. For the reasons given above, I conclude that the appeal site is within the setting of both listed buildings. My decision is consistent with the findings of the Inspector in the Appeal Decision⁵ for a similar proposal on the opposite side of the road.
17. Two appeal decisions⁶ for similar development elsewhere in the country have been put before me. One is for a proposed installation within a conservation area and the setting of listed buildings, the second is for a proposed installation within a National Landscape. These proposals were assessed on their own merits within the context of those sites. As such, they are materially different to the appeal proposal and do not set a precedent.
18. I conclude that the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the area, and to URC and CSJ. Also, it would neither preserve nor enhance the character or appearance of the BPCA.

⁴ Appeal Ref. APP/M4320/A/12/2170819, issued July 2012

⁵ Appeal Ref. APP/M4320/W/24/3350601 issued February 2025

⁶ Appeal Refs. APP/Q3305/W/18/3206555 issued November 2018 and APP/U2750/W/24/3342345 issued September 2024

19. Therefore, the proposal would not be in accordance with LP policies EQ2, HC3, NH9, NH11 and NH12. These policies indicate that the Council will seek to protect the significance of Sefton's heritage assets, and development will only be permitted where it responds positively to the character of its surroundings, amongst other matters. It would also be contrary to paragraph 120 of the Framework where it advises that equipment should be sympathetically designed.

Alternatives

20. A Notice to Quit has been served on the existing installation located on the roof of URC. Within figures 4 and 5 of their Appeal Statement, the appellant has demonstrated that the loss of this installation would reduce coverage within the area. The appellant has indicated that the operator has a duty to provide and maintain network coverage. In accordance with paragraph 123 of the Framework, I do not dispute there is a need for installations of this nature. Given the above, it has been demonstrated that there is a need for an installation to be sited close to the appeal site.
21. Figure 5 of the Appeal Statement shows that the areas most affected by the removal of the existing installation would be to the north and east of the appeal site. Figure 6 demonstrates that the proposed installation would address the reduced coverage within the area to the north and most of the area to the east. In light of this, it is unclear why the search area shown in Figure 7 is a circle and does not cover more of the area to the east of the appeal site. Nonetheless, the appellant has indicated that a search of this area was undertaken.
22. I am satisfied that there would be no opportunities for site sharing or for the proposed installation to be sited on an existing nearby building or structure. I also acknowledge that the site search exercise has been undertaken by a professional on behalf of two operators who have a significant amount of experience within the industry. However, during my site visit I observed most of the alternative sites that were assessed, and my observations do not concur with the result of the assessment.
23. With regard to location D6 adjacent to St Anthony's Road, the site is well screened from public views by existing development along both St Anthony's Road and Dowhills Road. As such, the site is neither exposed nor highly visible. The appellant has also highlighted there is limited access to the site and there would likely be disruption going to and from the site, but this has not been confirmed. There is an access to the site, albeit private, and a parking area adjacent to it.
24. With regard to location D7, the site of an existing mast on Mersey Road, the appellant has explained that a taller mast would be required. Given the existing topography, I do not consider that in principle a taller mast would be unacceptable subject to design caveats. Despite the need to keep the number of sites for masts to a minimum, the potential need for a second mast to the west to achieve the same coverage should not be a reason to discount this as an option, as long as the other mast could be sensitively sited and designed.
25. Although a comprehensive assessment has been undertaken, my observations during my site visit do not concur with the results of the assessment. As such, it has not been demonstrated that there are no suitable alternative sites for the

proposed installation. My findings are consistent with the Appeal Decision⁷, on the site on the other side of Warren Road.

26. Consequently, I conclude that the harm caused by the proposal would not be outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives. The proposed installation would not be in accordance with paragraph 122 of the Framework, where it indicates that for a new mast, evidence should be provided that demonstrates that the applicant has explored the possibility of erecting antennas on other structures.

Other Matters

27. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

Planning Balance

28. Given the scale of the proposal, it would result in less than substantial harm to BPCA. Regardless, paragraph 212 of the Framework is clear that great weight should be given to a heritage asset's conservation. In addition, the proposal would have a harmful effect on both URC and CSJ which are Grade II listed buildings. Overall, I ascribe substantial weight to the harm caused by the proposal to the designated heritage assets.
29. Paragraph 215 of the Framework indicates that less than substantial harm to a conservation area should be weighed against the public benefits. The proposal would improve the poor mobile coverage in the area created by the removal of the existing installation. High-speed mobile connectivity is a central part of the Government's National Infrastructure Strategy, and the aim is for 5G to be available virtually nationwide by 2030. There would also be economic and social benefits generated through improved mobile coverage within the area and associated with the construction of the proposed installation. Overall, I ascribe significant weight to these benefits.
30. As it has not been demonstrated that there is a need for the installation to be sited as proposed, these benefits could be generated from an installation which is sited in an area that is less harmful to designated heritage assets. In this instance, the benefits of the proposal would not outweigh the less than substantial harm to the Conservation Area or the harm to the listed buildings.

Conclusion

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

J Hobbs

INSPECTOR

⁷ Appeal Ref. APP/M4320/W/24/3350601 issued February 2025