



Appeal Decision

Site visit made on 8 August 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2025

Appeal Ref: APP/Z4310/W/25/3367272

Footway of Harlow Street, Harlow Street, Dingle, Liverpool L8 4UB

- 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 Liverpool City Council.
 - The application Ref is 25PT/0239.
 - The development proposed is the installation of a telecommunications base station consisting of a 20m monopole supporting 6 no. antennas and 1 no. transmission dish, together with 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development 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 telecommunications base station consisting of a 20m monopole supporting 6 no. antennas and 1 no. transmission dish, together with 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development thereto at footway of Harlow Street, Harlow Street, Dingle, Liverpool L8 4UB in accordance with the application 25PT/0239 and the details submitted with it including plan nos: 100 Rev A; 201 Rev A; and 301 Rev A.

Preliminary Matter

2. 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.

Planning Policy

3. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
4. Nevertheless, Policies STP4, UD1 and UD2 of the Liverpool Local Plan 2013-2033 (2022) are material considerations as they relate to issues of siting and appearance. In particular, they seek to support applications for the provision of new infrastructure and require street character, skyline impact, scale and relationship to existing structures to be taken into account.

5. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes a section on supporting high quality communications and achieving well designed places.

Main Issues

6. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area 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

7. The appeal site consists of part of the pavement on the north-west side of Harlow Street between two footpaths which cross an adjoining area of public open space. The area is predominantly residential in character with the flank of a two-storey terrace of dwellings opposite the site. To the south-west, beyond the junction of Harlow Street and Mill Street, are industrial and commercial uses.
8. The existing vertical street furniture in the area includes street lighting columns, telegraph poles, road signage and CCTV columns. There are also two existing telecommunication masts of 15m and 20m in height, with associated equipment cabinets, to the south-west of the appeal site which are both close to the Harlow Street and Mill Street junction.
9. It is proposed to install a 20m high mast with 6 antennas, 1 dish and 2 associated equipment cabinets which would be sited toward the back edge of the pavement. The proposed height of the mast is the minimum necessary to achieve effective, optimum coverage and reflects changes in topography in the surrounding area and the need to avoid nearby 'clutter,' including trees. Nevertheless, it would be appreciably taller than nearby street furniture and taller than the two-storey flank of the closest dwelling opposite.
10. From either direction on Harlow Street, the existing trees along the edge of the public open space would provide a degree of screening and softening of the appearance of the lower section of the mast, especially in the months when the trees would be fully in leaf. Further, from uphill, although on the opposite side of the road, the mast would be seen against the backdrop of the three-storey residential building on the corner of Harlow Street and Mill Street, and the existing 15m telecommunications mast beyond.
11. However, although incorporating a dual-stacked antenna, the top section of the mast would appear bulkier than most other street furniture and would be clearly visible above the trees. It would be dominant in these views, including on the skyline, and this visual impact would not be sufficiently mitigated by its grey colour, or any other colour or finish of mast.
12. There is a clear and prominent break in the existing tree line along the north-west side of Harlow Street which affords an open aspect and uninterrupted views across the public open space from this location. The proposed siting of the installation within this break means the existing tree coverage would provide a less effective foil, and it would be highly visible from the footpaths which cross the open space, and in proximity from Harlow Street. From these vantage points, because of its significant height and utilitarian design, the proposed mast and its associated

equipment cabinets would appear as a dominant and discordant feature alongside and against the backdrop of the public open space.

13. I therefore conclude that the siting and appearance of the proposed installation would cause harm to the character and appearance of the area.

Suitable alternatives

14. The Framework places importance on decisions that support the expansion of electronic communications networks, including next generation mobile technology, such as 5G. The appeal site is not an established telecommunications site; it would be a new installation, although the appellant's evidence is that it would replace an existing shared base station site at ADM Milling following a 'Notice to Quit.'
15. The appellant has split the single cell area previously covered by this base station. The identified search area is the newly created western cell area, which is relatively constrained and is broadly centred around the Harlow Street and Mill Street junction. The proposal is required to provide replacement and improved network coverage and capacity, and to establish new 5G connectivity services for the Vodafone network. On the evidence before me, I am satisfied that the appellant has demonstrated that there is an identified need for the proposal to be located somewhere in the search area.
16. The Framework encourages the use of existing masts, buildings and structures for new electronic capability. Paragraph 122 of the Framework requires evidence to be submitted to demonstrate that applicants have explored the possibility of erecting antennas on an existing building, mast or other structure.
17. The appellant has undertaken a search for alternative sites within the western cell search area, applying a sequential site selection process. In addition to the ADM Milling site, the appellant has assessed 35 potential alternative sites to accommodate the proposed development, which includes sections of pavement along predominantly residential roads. I have had regard to the submissions of the appellant and the 'Site-Specific Supplementary Information' which details the discounted options and why they were rejected in favour of the appeal proposal.
18. Nine rooftop options were discounted due to various constraints, including the height, or lightweight construction of the roof, peripheral location or proximity to the eastern cell area, topography or proximity to residential properties. The reasons for discounting the other sites included the topography, the exposed nature of the site, the proximity of underground services, residential properties or other masts and antennas and the effect on the setting of nearby listed buildings or trees. The Council has not specifically commented on these discounted sites, but disputes that no alternatives can be found which would result in a lesser harm, such as along the more commercial and industrial Mill Street.
19. A rooftop and ground-based option was considered at the Grain Estate which comprises a series of large industrial buildings off Mill Street. However, these were discounted principally because of the low height of the buildings (less than 7m) and topography, with ground levels lower towards the west of the site. The appellant also considered opportunities for either sharing, or co-locating with, the existing installations to the south-west of the appeal site close to the junction of Harlow Street and Mill Street, which are on the edge of the commercial and

industrial area. However, these opportunities were discounted on the basis that the design of the existing mast could not be upgraded to allow for sharing without a significantly larger structure, and sufficient separation distances are required between masts to avoid interference in transmission. Further opportunities were considered along lengths of Mill Street between the Harlow Street and Corn Street junctions, and to the north of Corn Street, but were also discounted principally because of lower ground levels which would reduce coverage.

20. Based on this evidence, I am satisfied that there are no realistic opportunities to erect antennas on existing buildings, masts or other structures. The site selection process, including the consideration of opportunities along Mill Street, was robust and potential alternatives discounted on reasonable grounds.
21. I therefore conclude that the harm to the character and appearance of the area would be outweighed by the need for the installation to be sited as proposed given the lack of suitable alternatives.

Conditions

22. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators contained within it. These specify that the development must be carried out in accordance with the details submitted with the application, begin within 5 years of the date of the approval and 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.
23. Consequently, I have not imposed the Council's additional suggested conditions that the installation be painted green and that tree protection measures are in place prior to installation.

Conclusion

24. For the reasons given above, I conclude that the appeal is allowed, and prior approval is granted.

R Gravett

INSPECTOR