



Appeal Decision

Site visit made on 15 October 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Appeal Ref: APP/Z4310/W/25/3361336

Lower Breck Road, Breck Road, Anfield, Liverpool L4 2RL

- 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 Infrastructure Limited (CTIL) against the decision of Liverpool City Council.
 - The application Ref is 24PT/1772.
 - The development proposed is the installation of a 20m tower to host 6no. antennas, 2no. transmission dishes alongside ancillary works to the base and tower.
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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 (GPDO), 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 STP4, HD1, UD1, UD2 and UD3 of the Liverpool Local Plan¹ are material considerations insofar as they relate to issues of siting and appearance.

Main Issues

4. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the surrounding area and, the significance of the Grade II Listed Church of Holy Trinity, 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

Character and Appearance

5. The proposed installation would be located within the pavement on Beck Road close to the boundary with an area of amenity space. This section of Beck Road

¹ Liverpool City Council – Liverpool Local Plan 2013-2033 Adopted January 2022.

and two branches of Lower Breck Road form the boundaries of the triangular area of open space. This is grassed with some trees and low metal railings. There is an existing telecommunications mast and cabinets on the pavement of the north-eastern leg of Lower Breck Road². I shall return to this installation later. On the opposite side of Breck Road to the appeal site is a car sales dealership. To the south-west, further along Breck Road there is another telecommunications mast and cabinets outside a Public House, The Cabbage Hall Hotel (PH). I shall also return to this installation later. The Church of Holy Trinity has a distinctive spire and is located further along Breck Road to the south-west.

6. The Grade II Listed church dates from 1847, built in sandstone with a tall spire. It is a prominent landmark feature in views along Breck Road from both the north-east and the south-west. It was designed by architect John Hay in a Gothic style. He along with his brothers were known to have worked on a number of churches in Liverpool. The significance of the building is derived from its architectural and historical interests as an example of religious importance to the expansion of the City in the 19th Century.
7. The context of the church is an urban one and the spire is located close to the road which emphasises its prominence in the street scene. From my observations, the existing installation outside the PH significantly intrudes into views along the street. It competes with the landmark feature of the church's spire. The proposed mast on the other hand would be further away, it would add to the street clutter but I do not consider that it directly impacts on the church due to the distance between the two. Therefore, I do not consider that the proposal would unduly impact on the significance of the church.
8. In reaching this view, I have had special regard to the desirability of preserving a Listed Building and its setting and any features of special architectural or historic interest under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
9. However, whilst I do not consider that it would harm the significance of the Church of Holy Trinity Grade II Listed Building, I do consider that it would have a negative impact on the more immediate area surrounding the appeal site.
10. The triangular area of open space provides an open area of greenery in an otherwise very built-up area. There are a few trees spread sporadically within this space but mostly it is open. There are two-and three storey buildings around two sides of the triangle. The third side is mostly taken up by the car dealership and includes a row of flagpoles along Breck Road. As well as the flagpoles there is a proliferation of street furniture including lampposts, a CCTV camera, traffic lights and a bus shelter.
11. As stated, this is a very built-up area and with a substantial amount of clutter at street level as well as the vertical elements listed above. The telecommunications installation outside the PH is very prominent in the street scene but it is set a short distance from the appeal site and the triangular area of amenity greenspace. The other installation on Lower Breck Road however, is much closer to the appeal site and is very dominant in the context of the amenity greenspace, occupying one leg of the triangle.

² Planning Application Ref: 24PT/0759.

12. The proposal would add another installation on another leg of the triangle. Two masts and their associated cabinets located around this single, modest area of open space would be excessive. It would be visually intrusive, incongruous and over-dominant in the street scene. The added clutter of this size and substance would be extremely harmful to the character and appearance of the area resulting in a visually unacceptable intrusion into an area of open space in this built-up area.
13. Consequently, for the above reasons, the proposal would have a harmful effect on the character and appearance of the surrounding area.

Suitable Alternatives

14. The appeal site has been chosen to reinstate coverage, improve network services and capacity and establish new 5G connectivity as part of a continued network maintenance and improvement program by Virgin Media O2 (VMO2). Coverage has previously been provided by a shared base station at the Merseyside Regional Ambulance Service but a 'Notice to Quit' (NTQ) requires a solution for both VMO2 and Vodafone in the Aintree area of Liverpool. In order to continue to provide long term VMO2 coverage, the operator has split a previous single cell into two requiring a new base station in each of the new cell areas. A solution for the newly created southern cell has been achieved via a new installation³. The proposal is to address the newly created northern cell area.
15. The appellant states that Vodafone have adopted a similar approach to address its loss of coverage by creating new northern and southern cells. Its base station for its southern cell is the installation referred to above on Lower Breck Road⁴. This is the Installation on the north-eastern side of the amenity greenspace.
16. The appellant has identified its search area and alternative site options. In searching for a shared mast (VMO2 and Vodafone) to replace the lost base station, no viable alternatives for a large, shared mast solution, capable of fulfilling both operator's network requirements were identified. The appellant's search therefore was based on finding sites for each operator in their northern and southern cells.
17. The appellant states that the existing Vodafone installation located on the north-eastern side of the amenity space is not a suitable design to accommodate two operators. The slimline design of a street furniture mast is not able to support the antennas and transmission equipment that would be required. It would therefore be necessary to install a different, larger headframe or lattice tower structure plus a fence compound for security. On this basis the appellant has discounted this option. The appellant also states that this base station sterilises an area approximately 30 metres radius around it to avoid technical interference with each other's transmission. An area immediately around this is therefore discounted for technical/operational reasons.
18. As referred to above, there is also a telecommunications mast outside the Cabbage Hall Hotel PH, this is described as being at Walton Breck Road and is a H3G UK Ltd installation⁵. Similar explanations regarding its unsuitability have been put forward for this H3G UK Ltd base station as the Vodafone mast at Lower Breck Road.

³ Planning Application Ref: 24PT/1276.

⁴ Planning Application Ref: 24PT/0759.

⁵ Planning Application Ref: 20PT/1012.

19. The appellant has also set out the unsuitability of a number of other sites. The list and explanations about suitability are extensive, the following therefore is only a brief summary. The Grade II Listed Holy Trinity Church on Breck Road was also considered but discounted for operational reasons. The appellant states that the Cabbage Hall Hotel PH offers some options in terms of large chimney stacks but these would not be suitable for the latest technologies required for 4G and 5G. It also lies within the 30 metre sterilised zone around the H3G base station so was discounted for this reason too.
20. The appellant has also looked at Georgesons Car Sales on Breck Road; this is the car dealership opposite the appeal site. Space here is at a premium and a new base station here would be at the expense of taking up usable commercial space. The appellant also notes functional difficulties in utilising this site. Also, utilising part of the triangular amenity greenspace, referred to above, has been discounted on the basis of the effect on trees, greater impact on residential amenity and the loss of amenity space. Both of these options were discounted as less preferable to the appeal site.
21. Given the proximity of the existing NTQ site, Anfield Ambulance Service, Lower Breck Road was considered as a like-for-like shared replacement. However, space is at a premium within this property and for operational reasons, a mast greater in height than 25 metres would be required. It was considered by the appellant that this would raise significant concerns regarding residential amenity and it would need to address any impact on trees protected by Tree Preservation Orders (TPO's). The appellant states that other licenced operators have recently been refused prior approval for a 25 metre high telecommunications mast and associated cabin equipment⁶. Likewise, a like for like replacement was considered on the nearby Fleet Maintenance Site, Belmont Grove but again a much larger mast would be required and concerns about residential amenity discounted this site in favour of the appeal site.
22. The appellant also refers to numerous other locations including land at Anfield Sport and Community Centre on Lower Breck Road, St Margarets Primary School, CoOp Liverpool Funeral Care, St Ambrose Grove, Priory Medical Centre, Belmont Grove, Richmond Park Bowling Club and land within Rowan Garth Care Village. These were discounted for either operational, amenity or planning considerations.
23. Some of the sites would require a different installation such as a roof top or wall mounted installations or monopole or lattice masts, which for various reasons depending on the particular site's characteristics has been assessed and discounted by the appellant. The appellant has also looked at alternative sites for street furniture designed installations, as per the appeal proposal.
24. The appellants detailed table of considered site divides potential areas into sections of roads with each area being identified as posing a number of concerns. Some concerns are similar to that raised in the context of the appeal site including the proximity of the Church of Holy Trinity and existing base stations. Some areas also raise greater concerns with regard to residential amenity when compared with the appeal site. Other issues include footways used for off-street parking, narrow footways and the presence of underground or overhead services. In some cases

⁶ (Planning Application Ref: 24PT/2466 – refused 15 November 2024).

trees are a concern in terms of needing to consider root protection areas and canopy spread, including trees protected by TPO's.

25. The appellant has clearly carried out an extensive search of alternative locations, however, in a number of cases reference is made between balancing the potential impacts of the proposed installation compared with those alternatives. I am not disputing the instances where there are clear technical reasons why some sites are unsuitable, nor do I undermine the importance of considering instances where residential amenity may be a greater concern. I appreciate that the operator is required to satisfy the International Commission on Non-Ionizing Radiation Protection (ICNIRP) requirements. I also agree that utilising the Holy Trinity Church building could be particularly problematical due to the potential impact on this heritage asset.
26. However, a balanced view may need to be taken when weighing the merits of various locations and I am unable to say that any one of the alternatives cited would be preferable, as any applications would be subject to public consultation. The Council has also noted that the evidence submitted as part of this appeal far exceeds what was submitted with the prior approval application and it has not been possible for them to consult on the various options. The suitability of a number of the submitted alternatives has not therefore been tested. I should also point out that the appeal process is not to be used to evolve the appellants proposal or bring forward new evidence as set out in the appeals procedure guide⁷.
27. I find the harm that would be caused by the proposed installation to be substantial. Given the weight of the harm, I do not find that the explanations for the unsuitability of the alternatives sufficiently robust or adequately tested to outweigh that harm.

Other Matters

28. I have taken into account the economic and social benefits of improving and maintaining telecommunication connectivity and note the appellants reference to various documents that promote this.
29. I also note the appellants reference to an appeal decision in Birmingham⁸ in relation to the consideration of alternative locations for a similar proposal as this appeal. In this case I have considered the alternatives suggested, including their deliverability. I accept that a thorough examination has taken place in relation to utilising existing base station sites, viable roof top sites and other sites upon which to locate the required antennas as well as ground based masts of various designs and various locations for street furniture designed monopoles and associated cabinets.
30. However, some of these alternatives involve a subjective view as to their preferences. Such assessment involves balancing the advantages and disadvantages of one site against another. Such subjective views is open to interpretation and I am not convinced that in all cases, an alternative would be less harmful. Also, as stated above, a number of these did not form part of the original application and the Council has not had the opportunity to test the suitability of

⁷ Procedural Guide: Planning Appeals – England – Updated June 2025.

⁸ APP/P4605/W/21/3271840.

these through planning or prior approval applications nor carried out the appropriate consultations. The Judicial Review Decision referred to by the Council refers to the consideration of alternatives but that is a very different type of development (a hybrid outline application for residential and commercial development)⁹.

31. I also note other appeal decisions referred to by the appellant¹⁰. These indicate examples where a different view has been taken (by an Inspector) than that of the relevant Local Planning Authority. The situation in each differ in various ways to the appeal site and so are not directly comparable. They do however illustrate how subjective such views can be and from the information submitted, I cannot discount that I would not come to the same conclusions as my colleagues on those particular sites. The benefits for the appeal proposal and those others referred to is clear and undoubtedly the Framework and Government advice supports the development of telecommunications infrastructure. However, these decisions, do not override the harm I have identified in this case.

Planning Balance and Conclusion

32. Although I have not found that the significance of the setting of the Grade II Listed Church of Holy Trinity would be harmed, I have found that the siting and appearance of the proposed installation would have a harmful effect on the character and appearance of the surrounding area. This harm is accentuated by the siting of another installation in such close proximity. The value of this amenity space to the character and appearance of the surrounding area would be undermined by there being a monopole and cabinets on two of the three sides of this greenspace. I have afforded this harm substantial. Whilst there are significant benefits to the proposal, including the improvement and re-instatement of telecommunications coverage in this area and the need for the installation, these do not outweigh the harm, taking into account any suitable alternatives.
33. For the reasons given above the appeal should be dismissed.

J D Clark

INSPECTOR

⁹ Ref: The King and Birmingham City Council and Commercial Estates Group Limited [2024] EWHC 2535 (Admin).

¹⁰ APP/C5690/W/23/3334595; APP/P4605/W/21/3276432; APP/P4605/W/21/3283270; APP/P4605/W/21/3286328; APP/P4605/W/21/3271311; APP/Z4310/W/20/3260439; APP/D4635/W/20/3263239; and APP/Z4310/W/24/3353435.