



Appeal Decisions

Site visit made on 28 October 2025

by Ann Veevers BA(Hons) Dip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal A Ref: APP/Z4310/W/25/3360861

Festival Food and Drink Limited, 7 Mathew Street, Liverpool L2 6RE

- 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 Mr Jon Keats of Cavern City Tours Ltd against the decision of Liverpool City Council.
 - The application Ref is 24F/2930.
 - The development is provision of new conservatory to front of restaurant.
-

Appeal B Ref: APP/Z4310/Y/25/3360862

Festival Food and Drink Limited, 7 Mathew Street, Liverpool L2 6RE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Jon Keats of Cavern City Tours Ltd against the decision of Liverpool City Council.
 - The application Ref is 24L/2906.
 - The works are the provision of new studded wall to side boundary and conservatory to front elevation.
-

Appeal C Ref: APP/Z4310/H/25/3360863

Festival Food and Drink Limited, 7 Mathew Street, Liverpool L2 6RE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Mr Jon Keats of Cavern City Tours Ltd against the decision of Liverpool City Council.
 - The application Ref is 24A/2907.
 - The development is a fascia sign to existing restaurant.
-

Appeal D Ref: APP/Z4310/Y/25/3360864

Festival Food and Drink, 7 Mathew Street, Liverpool L2 6RE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Jon Keats of Cavern City Tours Ltd against the decision of Liverpool City Council.
 - The application Ref is 24L/2908.
 - The works are a new fascia signage.
-

Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.
3. **Appeal C:** The appeal is dismissed.
4. **Appeal D:** The appeal is dismissed.

Preliminary Matters

5. These decisions address planning, listed building consent, and advertisement consent appeals for the same site and differing elements of the same scheme. Whilst the remit of each regime is different, to reduce repetition and for the avoidance of doubt, I have dealt with the four appeals together within a single decision letter whilst having regard to the statutory duties that apply under Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) wherever applicable to do so.
6. I have used the address given on the application forms in the banner headings above, which is the same as that on the Council's decision notice. I have also taken the descriptions of development from the application forms. Although different to that on the decision notices, no confirmation that a change was agreed has been provided.
7. The studded wall to side boundary, conservatory to front elevation and fascia signage described in the banner headings have already been erected. I have therefore dealt with the appeals on the basis that they seek to regularise the development, works and advertisement.
8. Appeal C relates to a refusal to grant express consent for advertisements, therefore I have had regard to Section 3(1) of the Regulations. In particular, this limits my considerations to those relating to amenity and public safety, taking into account the development plan, in so far as material and other relevant factors. The Council indicate that the fascia signage does not give rise to any public safety concerns and, from the evidence before me and observations at my site visit, I have no reason to disagree. Section 3(2) of the Regulations state factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Main Issues

9. The main issues are:

For Appeals A, B and D

- whether the development, works and advertisement (a) preserve the Grade II listed building known as the Produce Exchange Buildings¹, its setting or any features of special architectural or historic interest it possesses; and (b) preserve or enhance the character or appearance of the Castle Street Conservation Area (CA).

For Appeal C

- the effect of the advertisement on amenity, with particular regard to heritage assets.

¹ National Heritage List for England, List entry number: 1062566

Reasons

Special Interest and Significance of the Heritage Assets

10. The appeal site is a restaurant unit fronting Mathew Street that occupies part of the Grade II listed building, Produce Exchange Buildings. The listed building is an impressive six storey, plus basement, stone building with a granite ground floor. The list entry indicates it was built in 1902 as an intended goods warehouse and offices for the Lancashire and Yorkshire Railway. Evidence suggests it was used as a produce exchange and office building and in the latter half of the 20th century as a bank. The building then stood empty but has been recently converted into mixed residential and commercial use.
11. The principal elevation of the building fronts Victoria Street and includes many architectural features, such as a bulls-eye window, mullion and transom windows, Ionic colonnades with entablatures and pedimented dormers. The rear elevation fronts Mathew Street, and the list entry describes this façade as ‘utilitarian’. Evidence suggests Mathew Street was historically a service road for the Produce Exchange Buildings and other surrounding warehouse buildings used for produce brought from the docks.
12. As such, the listed building’s role in the historical development of Liverpool is of particular value and importance. From the evidence before me, insofar as it relates to these appeals, I find that the special interest and significance of the listed building derives largely from its historic and architectural interests as an early 20th century warehouse, which forms an integral element of the townscape of this part of the city. Other important contributors in these regards which are pertinent to the appeals, are its use of traditional materials; surviving historic fabric; and its architectural detailing.
13. Despite being much less embellished than the Victoria Street frontage, and even with its significant number of modern alterations and ground floor restaurant uses, the warehouse origins of the listed building when viewed from Mathew Street are still legible. This is mainly due to the wide opening and undercroft at ground floor level that incorporates a large decorative steel beam resting on substantial flanking stone columns which allows its authenticity as a former warehouse to be appreciated as an exemplar building indicative of the commercial confidence of Victorian Liverpool.
14. Evidence suggests that the Produce Exchange Buildings and the adjacent Fruit Exchange² have historic group value. From the list entry and what I saw, this building is a rare survival of an early fruit exchange constructed around the same time as the Produce Exchange Buildings. Its special interest and significance primarily stem from its historic and architectural interest which incorporate a relatively intact tiered exchange hall, stained glass depicting swags of fruit and other architecturally designed interior and exterior features.
15. Both the Produce Exchange Buildings and the Fruit Exchange are clearly viewed together from Mathew Street and as attractive focal points on Victoria Street. In this regard, special interest and significance are also drawn, in part, from their settings. Their historic functional and physical links with each other as produce

² National Heritage List for England, List Entry number: 1392539

exchange buildings have special interest within their immediate settings. Within the wider setting, their visual and functional relationships with other 20th century commercial buildings and streets in the surrounding area has historical importance in reflecting the commercial growth of the city. This setting contributes positively to the environment in which they are appreciated and experienced.

16. The CA, of which Mathew Street forms a part, is relatively large and incorporates the historic commercial core of the city. It includes fine Victorian and Edwardian company buildings, public houses, historic wholesale fruit and vegetable markets and other warehouses that stored produce from across the world due to the city's importance as a trade port. Many of these buildings have considerable heritage value, including the appeal building and the adjacent Grade II listed Fruit Exchange. As such, in part and insofar as is relevant to this appeal, the significance of the CA derives from the architectural and historic interest of the area's wealth of high-quality buildings which contribute to the town's historic townscape. Mathew Street is also part of the 'Cavern Quarter' because of its association with the city's music scene in the 1960's. In this regard, insofar as relevant to the appeal, this cultural dimension also contributes to the historic interest and significance of the CA.
17. From the information before me, due to their location, form and age, both the listed Produce Exchange Building and Fruit Exchange have historic value as an integral part of the early 20th century commercial growth and development of trade in Liverpool and make a valuable positive contribution to understanding the CA's area's distinctive urban character and appearance as a whole.

Effects of the development, works and advertisement

18. The appeal relates specifically to the ground floor of a restaurant unit within the Produce Exchange Buildings fronting Mathew Street, a busy and vibrant pedestrian street. Information submitted by the appellant indicates the restaurant was previously named 'Festival Food and Drink' but has recently been rebranded, altered and extended as 'The Cavern Restaurant'.
19. The development and works relating to Appeals A and B include the installation of a steel framed structure finished in grey powder coated steel with glazed sliding/folding doors to the Mathew Street elevation (the conservatory), the removal of windows and brickwork which has facilitated the enlargement of the restaurant's internal space into the conservatory and the erection of a stud partition wall adjacent to an existing access/exit doorway. The advertisement in relation to Appeals C and D relates to a Perspex fascia sign installed above the conservatory.

Appeals A and B

20. The conservatory infills part of the undercroft facing Mathew Street. As a consequence, the legibility of the utilitarian façade of the building that differentiates the building as a former warehouse within the street has been harmfully eroded.
21. One side of the conservatory is flush with an existing brick pier but the steel roof structure projects slightly forward of the brick pier and the fascia sign above. In combination with the stud wall, the conservatory is seen as a box-like, unconnected appendage to the building that stands out as an inauthentic

intervention that has undermined the historic architectural detailing of the building. Even if the Mathew Street façade is described as 'utilitarian', this does not mean any alterations or additions to it would be acceptable. The forward projection and glazed sliding/folding doors accentuate the conservatory's conspicuousness in the undercroft of the listed building and have created a visual distraction away from the decorative steel beam above, diminishing the building's intrinsic historic purpose and value.

22. I note that some of the opening has already been infilled, and that other parts of the opening have been, and are still used, for covered outdoor seating associated with the building's changes to restaurant uses. Nonetheless, this still allows its use as a former warehouse opening to be understood. Whilst the conservatory sits within the footprint of the building, due to its size, form and appearance, the structure disrupts the building's original composition and harms its legibility.
23. Moreover, due to its incongruous appearance, the conservatory adversely alters the authenticity of how the listed building is experienced from within Mathew Street, weakening the historic commercial context that is of value to the significance of the CA. Although the impact of the conservatory is relatively localised, the character and appearance of the CA as a whole has not been preserved.
24. Internally, the Council has raised no objections to the removal of brickwork below windows that is shown on the submitted plans and has been implemented. Whilst I can see no reason to object to the principle of this aspect of the development and works, which would also have no impact on the CA, little information has been provided in order that I have a full understanding of this intervention and its potential effects on the fabric and thus the significance and special interest of the appeal building.
25. For the above reasons, the development and works have failed to preserve the Grade II listed building or any features of special architectural or historic interest which it possesses. As such, there is harm to the significance of this designated heritage asset. Since the Produce Exchange Buildings is within the setting of the Fruit Exchange, the development and works also harms the positive contribution the immediate setting makes to its significance and the ability to appreciate that significance. The development and works also fail to preserve the character and appearance of the CA. Accordingly, there is conflict with s16(2), s66(1) and s72(2) of the Act.

Appeals C and D

26. The fascia sign extends across the width of the undercroft and encloses the gap between the conservatory roof and the steel beam. While the appellant argues that the previous fascia sign was approved by the Council and the appeal sign has replaced it on a like-for-like basis, the Council indicate that the appeal sign is larger.
27. No details of the size of the previous sign have been submitted as part of the appeal documentation. Even if the fascia sign is similar in size to a previous sign, due to its significant depth, I find it is unduly prominent on the historic façade of the building. The fascia sign obscures part of the undercroft and visually detracts from the architectural detailing of the historic steel beam above. The central panel of the

sign that includes Perspex wording sits slightly proud of the backing panel and projects forward of the adjacent brick pier to one side and the existing 'Turtle Bay' sign to the other, exacerbating its prominence.

28. Furthermore, due to its size, the fascia sign adds unsympathetic clutter within the former opening of the building, which contrasts and jars with other advertisements on the building. I find the fascia sign is detrimental to the overall appearance and composition of the listed building and thus its special interest, and, to a lesser extent, the setting of the Fruit Exchange. As such I find that the fascia sign also fails to preserve or enhance the character or appearance of the CA.
29. I note the appellants' reference to the number and variety of other advertisements in the street. However, I am not aware of the circumstances that led to those advertisements and so cannot be sure that they are the same as in the case before me. Besides, the presence of other advertisements in the street does not justify further harmful signage.
30. Drawing the above together, in respect of Appeal C, for the reasons given above, the fascia sign would have a harmful effect on the amenity of the area.
31. In relation to Appeal D, by visually competing with, and thus detracting from, the historic form of the Produce Exchange Buildings, the advertisement fails to preserve the special interests of this listed building and the setting of the Fruit Exchange. As such, there is harm to the significance of these heritage assets. For the same reasons, the advertisement fails to preserve the character and appearance of the CA. The works are therefore contrary to the statutory presumptions of s16(2) and s72(1) of the Act.

Public benefits and heritage balance – Appeals A, B and D

32. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the assets' conservation. That is irrespective of the magnitude of that harm. Consistent with that approach, paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
33. In finding harm to the significance of designated heritage assets, the Framework and Planning Practice Guidance requires the magnitude of harm to be 'explicitly identified', and the extent of harm within that category to be 'clearly articulated'³.
34. Given the nature and extent of the development, works and advertisement, I find the harm in relation to the listed buildings and the CA in this instance would be less than substantial, and at the lower end of that category. Nonetheless, this harm carries considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
35. I note the appellant's claim that there have been enhancements to Mathew Street as a destination to visit from, amongst other things, the provision of venues for food and drink. I also recognise the Council's support in the promotion of the city's cultural heritage. Even so, it has not been robustly demonstrated that the specific

³ Paragraph: 018 Reference ID: 18a-018-20190723

appeal development, works and advertisement in themselves are strictly essential for such purposes. I thus attach limited weight to any such public benefits in this regard.

36. The appellant suggests that the business makes a valuable contribution to the local economy and from occupation of the listed building which I recognise is a public benefit. However, the weight that I attach to this benefit is limited since I have no reason to believe this could not also be achieved in a manner which causes no harm to the heritage assets I have referred to. Neither is there any convincing evidence to suggest that the use of the unit would cease in the absence of the development, works and advertisement and it is not therefore necessary to secure the optimum viability and long-term conservation of the building as a result. I also give little weight to the fact that there was previously a fascia sign in the same position as the current one because it was not original to the building and it has now gone.
37. Therefore, the overall weight the above public benefits attract together would be limited and I am not persuaded that the only way of securing such benefits would be via the particular development, works and advertisement that are before me. The benefits do not outweigh the less than substantial harm to the significance of the designated heritage assets that I have identified.
38. Consequently, in relation to Appeals A, B and D, the harm to the significance of the designated heritage assets in these appeals has not been supported by clear and convincing justification. The development, works and advertisement therefore fail to satisfy the historic environment conservation and enhancement policies under chapter 16 of the Framework.
39. Insofar as a material consideration, conflict also arises with Policy HD1 of the Liverpool Local Plan 2013-2033, adopted January 2022 (LLP). This policy requires, amongst other things, that particular consideration is given to ensure the significance of elements of the historic environment which contribute most to the city's distinctive identity and sense of place are not harmed – including warehouses associated with the city's role as one of the world's major ports and trading centres; and that development affecting a CA should preserve or enhance elements that contribute to its character and appearance.
40. Also in relation to Appeals C and D, insofar as a material consideration, conflict arises with Policy UD9 of the LLP, which requires that advertisements, amongst other things, will only be permitted where they do not detract from an area of from the character or appearance of important historic buildings.

Other Matters

41. The appellant refers to a previous application at the appeal site for a shopfront⁴. However, the description of development relating to this application refers only to internal alterations and two louvered extraction units. From the information presented, this scheme is materially different to the appeals before me.
42. I note the appellant's comments about the Council's handling of the applications. However, the behaviour of the Council is not a matter that lies within

⁴ LPA Ref: 17L/3339

the scope of my determination of the appeals, which have only been decided on their planning merits.

Conclusions

43. **Appeal A:** The development conflicts with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A is dismissed.
44. **Appeal B:** For the reasons given above, and having regard to all other matters raised, I conclude that Appeal B is dismissed.
45. **Appeal C:** I find, with respect to the Regulations, for the reasons set out above, that the sign is harmful to amenity. Therefore, I conclude that Appeal C is dismissed.
46. **Appeal D:** For the reasons given above, and having regard to all other matters raised, I conclude that Appeal D is dismissed.

Ann Veevers

INSPECTOR