



The Planning
Inspectorate

Mobile Telecommunications

Updated to reflect December 2024 Framework (NPPF)

What's new since the last version

Changes highlighted in yellow made 24 January 2023:

- Alternative Sites section expanded following *Murtagh v SSLUHC and IPs Hutchinson 3G (UK) Ltd & RB of Kingston upon Thames* [2022] EWHC 2991 (Admin)
- Para 16 amended following new guidance from Department for Culture, Media and Sport

The Inspector Training Manual is internal guidance written by The Planning Inspectorate and is aimed at its Inspectors.

As such, it does not constitute Government policy or guidance and does not seek to interpret Government policy. If there appears to be a discrepancy between the Manual and national policy guidance, any national policy and guidance will be conclusive

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Introduction

1. Inspectors make their decisions on the basis of the evidence before them. Consequently, they may, where justified by the evidence, depart from the advice given in this training material, although the [National Planning Policy Framework](#) and the Government's [Planning Practice Guidance](#) will still be relevant in all cases.
2. Most proposals for mobile communications installations relate to the mobile phone network and take the form of lattice towers, poles or antennas fixed to buildings. There can, however, also be fixed line broadband cabinets, telegraph poles and underground cables and cabinets.
3. This training material applies to casework in England only.

Policy, legislation and guidance

4. Paragraphs 119 to 123 of the [National Planning Policy Framework](#) deal with 'Supporting high quality communications', and these should be referred to when you deal with this type of casework.
5. National guidance on telecommunications, permitted development rights and prior approval is mainly provided in the 'When is Permission required' section of the Government's [Planning Practice Guidance](#).

How the mobile network works

6. Mobile communications systems consist of a network of overlapping cells at the centre of which is a base station. The main cells are called micro-cells. However, to deal with specific capacity or topographical issues, these might contain pico-cells.
7. The base station usually consists of antennas attached to a supporting lattice, pole or building and equipment cabinets. The antenna transmits and receives radio waves. Each base station needs to be connected to the wider network by one or more microwave dishes or a landline.
8. A mobile device converts data (or the human voice) into radio waves. These signals are transmitted from the device to the nearest base station and from there to the wider network. They are then transferred to the receiving mobile device from the nearest base station.
9. Masts generally take the form of lattice towers or slimline monopoles. In some cases, these might be disguised as a telegraph pole, tree or flagpole. Antennas can also be sited on buildings where they are sometimes disguised so that they appear as part of the building (for example, as a false chimney). Alternatively, they can be hidden within a building (for example, church towers).
10. The number of base stations required can be affected by several factors including call and data volumes and topography. Antennas need 'line of sight' to the area they serve and consequently, coverage can be affected by topographical features such as hills, trees or buildings. Coverage inside a building will generally be less good than outside.
11. Antennas for different systems and operators need to be spaced apart to avoid interference. Cells may cover only a small area. This might be a few hundred metres in urban areas or 2-3 km in rural areas.

Development of mobile networks and operators

12. The Second Generation (2G) network provided for mobile telephone calls and text messages. 3G provided access to the internet and 4G provided mobile broadband at speeds which are similar to those from a fixed broadband connection. The roll-out of 5G started around 2020. This will provide improved device connectivity, ultra-low latency (delay), better capacity and ultra-high speeds. The Government's ambition is for the majority of the population to have access to a 5G signal by 2027.
13. In order to deliver 5G, replacement and additional installations will be required. This is because 5G uses a higher radio frequency which creates different technical constraints and this determines the siting and design of any infrastructure. In particular, whilst more data can be transmitted via 5G the signal cannot propagate as far or through obstructions. This means that the target service area is likely to be smaller and that base stations will need to be taller to achieve a 'line of sight'. Heavier antennas are also needed for 5G so that any supporting structures will need to be more robust. Operating at a higher frequency also means that a wider public exclusion zone is required for health reasons.
14. These considerations also affect rooftop deployments. These need to be sited to avoid 'clipping' the edge of the host building and also sited so as to create an adequate exclusion zone. This means that the antennas may need to be positioned centrally and elevated above roof level or on the edge of the rooftop.
15. As of November 2021 the network operators are Vodafone, Telephonica, Three and EE/BT. Each operator's network is separate although some base stations are shared. For all telecommunications work, the operators are required to give notice to LPAs under the [Electronic Communications Code \(Conditions and Restrictions\) Regulations 2003](#) when installing, altering or replacing electronic communications apparatus.
16. The Code of practice for wireless network development in England was published by Department for Culture, Media and Sport in 2022. The role of the Code is to support the government's objective of delivering high quality wireless infrastructure whilst balancing these needs with environmental considerations.

Permitted development and prior approval

17. The below will answer many of the issues for Prior Approval and Permitted Development; however, the ITM chapter on [The GPDO and prior approval appeals](#) will go into further detail.
18. Many proposals will be permitted development under the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (GPDO). By virtue of Article 3(1) electronic communications code operators can carry out the development permitted by Class A of Part 16 in Schedule 2 of the Order subject to the exclusions set out in paragraph A.1 and the conditions in paragraph A.2. Paragraph A.3 contains procedural requirements relating to prior approval applications.
19. The considerations in prior approval appeals are different to those in planning appeals. It is important that they are dealt with accordingly and not in the same way as an appeal against the refusal or non-determination of an application for planning permission.
20. Under paragraph A.3(4) certain development prescribed in paragraph A.2 (3) can only begin if the developer has applied to the LPA for a determination as to whether prior

approval will be required as to the siting and appearance of the development. Paragraph A.3(8) contains further pre-commencement conditions. In summary, the LPA is expected to confirm whether prior approval is or is not required. If it is, they have 56 days to determine whether such approval is given or refused. The development can go ahead if the LPA has not made a decision within that period (provided that it is permitted development).

21. These procedural paragraphs indicate that refusal of prior approval should follow notification by the LPA that prior approval is required. However, refusals of prior approval may be issued without that notification having occurred. In this circumstance it can be taken that prior approval was required, and the failure to notify accordingly does not invalidate the refusal or the subsequent appeal.
22. The interpretation of Class A is covered in paragraph A.4. Permitted development rights are also granted in accordance with the definitions set out in Article 2(1) of GPDO. Where a term is defined for the specific purposes of one Part or Class of the Order, it should not be taken as applying to other Parts or Classes.
23. Definitions set out in the Order relate only to the Order and not to primary legislation. However, where a term is defined in s336(1) of the TCPA 1990, and is not subsequently qualified or adapted in the Order, the definition in s336(1) would apply (unless the context requires otherwise). If neither the Order nor the TCPA defines a term, it would be appropriate that the 'ordinary' meaning (*Clive Evans v SSCLG* [2014] EWHC 4111 (Admin), paragraph 17), of language should be used when interpreting the GPDO, in a broad or common sense manner, unless there was something which clearly indicated to the contrary (*Waltham Forest London Borough Council v SSCLG* [2013] EWHC 2816 (Admin), paragraph 16).
24. General advice about prior approval appeals is provided in the [Permitted development and prior approval appeals](#) chapter.
25. Some cases might raise the issue of whether the proposed development is permitted development. In relation to whether the proposal is a "mast" the definition given in paragraph A.4 is that this: *means a radio mast or radio tower*. In *Mawbey & Lewisham LBC, SSCLG v Cornerstone Communications* [2019] EWCA Civ 1016 the Court of Appeal agreed with the High Court judge that a 'mast' in this legislative context is an upright pole or lattice work structure whose functions is to support an antenna or aerial. It need not be "ground based" or of any particular "scale" or "design" to meet the definition.
26. The alteration or replacement of a mast is excluded from the definition of permitted development if it exceeds the parameters set out in paragraph A.1(1)(d). Prior approval is required in the circumstances outlined in paragraph A.2(3)(c)(ii). It may be argued that the proposal for a mast is not a replacement because it would be built alongside an existing mast which would remain in place until all the services can be transferred across. On the other hand, it may be claimed that the proposal is a replacement because it will ultimately supplant the existing mast. This may affect whether the proposal is permitted development or not. Deciding this question will be a matter of judgment based on the facts of the case. However, there is no reason to assume that a replacement must be something that immediately takes the place of what is already there.
27. Paragraph A.2(2) provides that development permitted under Class A should be removed as soon as practical after it is no longer required for electronic communications purposes. This may be relevant when considering any visual implications of a second or replacement mast.

Dealing with prior approval appeals

28. Following a refusal of prior approval the correct template to use is 'DEV order appln – refusal'. However, the wording should be adjusted to reflect the precise circumstances of the appeal by referring to Part 16. The recommended wording is in the decision template at Annex A.

Defining the main issues in prior approval appeals

29. Because of the provisions of the Order the only issues that can be considered are **siting** and **appearance**. These terms are not defined but any matter that directly relates to either siting or appearance can be taken into account. These might include:

- **Visual** – for example, the effect the siting would have on the character and appearance of the area including cumulative impacts or any effect on a conservation area or the setting of a listed building
- **Highway safety** – for example, the effect that the siting might have on visibility splays or safe pedestrian movement along a pavement
- **Living conditions** – for example, the effect of the siting on the outlook of neighbours
- **Alternatives** – the availability of other potentially less harmful siting options

30. In setting the main issues it is advisable to refer to the matters of siting and appearance and the specific matters that are the focus of the appeal. Furthermore, if harm would arise, then reference should be made to the need for the proposal to be sited as proposed in the light of possible alternatives. In a case where the character and appearance of the area was central to the outcome of the appeal then the main issue could be worded as follows:

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.

The development plan and the National Planning Policy Framework in prior approval appeals

31. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) does not apply to Class A of Part 16 of the GPDO and does not require regard to be had to the development plan. Therefore, a prior approval appeal should not be determined, expressly or otherwise, on the basis of S38(6) or as though the development plan must be applied.
32. Nevertheless, development plan policies may be relevant in prior approval cases, but only insofar as they relate to the matters of siting and appearance. So if the development plan contains material that is relevant to the planning judgement to be made, it may be taken into account as a material consideration.
33. However, it is important to ensure that no impression is given that development plan policies have been applied and that the appeal has been dealt with as a planning appeal. To this end, it is advisable to refer, if necessary, to any relevant policies at the outset and not to conclude against them when setting out findings against the main issues.
34. Part 16 does not require regard to be had to the National Planning Policy Framework. However, the policies in the NPPF are capable of being a material consideration and should be treated as such. As well as the chapter on supporting high quality

communications, the chapters on achieving well-designed places and conserving and enhancing the historic environment may also be relevant.

35. Suggested wording to cover these points is in the example decision template at Annex A.

Heritage issues in prior approval appeals

36. Section 66 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) **does not** apply in prior approval applications. This is because a prior approval application is not an application for planning permission or permission in principle to which S66(1) does apply. Neither does it come within the ambit of S66(2). This statutory duty should therefore not be referred to when considering development affecting a listed building or its setting.
37. However, if the appeal site is within a conservation area then the duty in S72 of the [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#) **does** apply. Therefore, “... *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*” That duty does not apply to any development affecting the setting of a conservation area.
38. The relevant paragraphs of the NPPF regarding conserving and enhancing the historic environment are nevertheless applicable to any development that would affect the significance of any heritage asset including its setting. These policies should therefore be applied in prior approval appeals where a listed building or conservation area or their settings would be affected by the siting and appearance of the development.
39. If the siting and/or appearance of the proposal would affect a listed building or a conservation area then the 3-step approach in the chapter on the Historic Environment should be followed. This involves assessing the significance of the heritage asset, assessing the effect of the development on that heritage asset and, if necessary, undertaken a balancing exercise of any harm against public benefits.

Need and benefits in prior approval appeals

40. Paragraph 123 of the NPPF establishes that local planning authorities should not question the need for an electronic communications system. The judgment in [Westminster CC v SSHCLG & New World Payphones Ltd \[2019\] EWHC 176 \(Admin\)](#) which concerned prior approval appeals involving telephone kiosks confirmed that arguments about whether electronic communications networks and the facilities required for their use are needed in the public interest are precluded (paragraph 49).
41. However, the need for the proposal to be sited in the proposed location is a different matter which is considered later in relation to alternative sites.
42. The social and economic benefits that would arise from a proposed mast or antenna installation may also be referred to. These might, for example, be expressed in terms of the benefits to the wider economy, improved connectivity for businesses, industry and other sectors, use by the emergency services, ensuring continuous coverage or facilitating the delivery of 5G. However, the Order is clear that the only considerations should be the siting and appearance of the proposal. Those benefits have effectively been recognised by the grant of permission under Article 3(1). Therefore, in cases not involving heritage assets, the potential wider benefits of the proposed development should not be taken into account. It may be necessary to explain this in the decision whilst acknowledging that these wider benefits exist. A suggested form of wording for use in **non-heritage appeals** is included in the example decision template at Annex A.

43. In appeals where harm would occur to the significance of a designated heritage asset there is a need to balance that harm against the public benefits that would occur. In that scenario the benefits associated with the proposal and referred to by the appellant should be addressed in the context of the policies in the NPPF. In so doing, it should be borne in mind that a proposal to ensure coverage in a small geographical area is part of a wider whole and that the network would be undermined by gaps in coverage. Similarly, whilst only users of that particular network would be using the service, these aspects should ordinarily be regarded as “public” benefits.

Whether conditions can be imposed in prior approval appeals

44. Proposals which are permitted development under Class A, Part 16 are subject to standard conditions (see paragraphs A.2 and A.3). These include implementation within 5 years, development being carried out in accordance with the details submitted with the application and the removal of the structure/apparatus when it is no longer required for electronic telecommunications purposes.
45. These conditions should not be set out in the formal decision on a prior approval appeal, because the decision is not to grant planning permission but prior approval only. The decision will allow the conditions to that effect by stating that ‘... prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A...’.
46. However, to assist, the parties, particularly the appellant, any relevant conditions imposed by the Order should be described. A suggested word of forms is included in the example decision template at Annex A.
47. The Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. Consequently, such conditions should not be imposed. If any conditions are suggested you should explain your approach.
48. It follows from this that, if control is necessary over some matter (for example, the coloured finish of a telecommunications pole), then this cannot be secured by condition. In such circumstances, unless the parties agree an amendment to the details of a proposal and subject to the *Holborn Studios* principles, then the appeal would need to be dismissed.

Formal decisions in prior approval appeals

49. If a prior approval appeal is allowed it is essential that the decision refers not only to the relevant Part and Class, but also to Article 3(1) of the Order, because it is that which grants planning permission for the development.
50. Consistent with decisions on planning appeals, a decision allowing the appeal should refer to the date and reference of the application; it may be helpful in some instances to also incorporate plan numbers.
51. If the appeal is dismissed, irrespective of whether the LPA refused or failed to determine the application, then it is sufficient to state that the appeal is dismissed.

Considerations in prior approval and planning appeals

Character and appearance

52. Considering the effect on the character and appearance of an area arising from proposed poles or masts, antennas proposed on buildings and equipment cabinets is no different to other appeal casework. Therefore consideration should be given to:

- What is the surrounding context? What are the defining characteristics of the locality?
- Are vertical features such as street lights and signs common in the immediate area?
- How would the proposal fit in? Would it be similar in height, thickness and shape to existing vertical features or noticeably different? If it is taller and wider would this have an adverse impact?
- Would it respect the spacing and siting of existing features?
- Would any disguise be effective?
- Would the proposal be seen against the skyline or a backdrop of buildings or trees or would it be screened by them? Would it be seen alongside a row of street trees? Are any trees likely to endure? Is any planting proposed realistic and capable of being implemented?
- Would it stand out as an unusual and incongruous feature or add to visual clutter or would it be seen as an unobtrusive piece of street furniture. How prominent would it be?
- Given the operational constraints that apply, have less intrusive options been considered? (for example, a slimmer or lower pole)

Need for the proposed siting

53. The proposal may be designed to fill a gap in coverage or to improve signal strength (for example to provide coverage within buildings or to increase the capacity of the network).

54. The appellant will often seek to demonstrate the need for increased coverage through the use of colour-coded signal maps. These usually show existing coverage (usually showing a gap), coverage from the proposal and the combined effect (usually showing the gap filled in). The maps may distinguish between reception within and outside buildings. Such information is helpful in establishing the 'area of search' for the proposed installation. Without it, the ability to meaningfully assess alternative locations may also be difficult and therefore the acceptability of the siting.

55. Local residents may argue that a mobile signal can be received in the area. However, this is unlikely to amount to a complete assessment of need. It may relate to a different network and does not necessarily reflect issues relating to capacity, in building coverage or signal strength.

Alternative sites

56. Paragraph 122 c) of the NPPF expects evidence to be submitted to justify all applications. For a new mast or base station this includes evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure.

57. If no harm would occur as a result of the proposal then there is no need to go on and consider the other sites that have been assessed. There is no requirement in the NPPF or the Order for developers to select the best feasible siting. However, if harm would ensue then the other options that might be available are likely to be an important

consideration. This was emphasised by the findings in *Murtagh v SSLUHC and IPs Hutchinson 3G (UK) Ltd & RB of Kingston upon Thames* where an Inspector did not expressly consider the option of siting the equipment on an existing mast.

58. If the proposed development would cause harm and there are available other sitings to provide coverage then this would weigh against the proposal.
59. In **planning appeals** if there are shown to be no suitable alternative sites then this would be part of the S38 balance.
60. In **prior approval appeals** if there are shown to be no suitable alternative sites then the siting and appearance of the proposed development should be assessed bearing in mind that such proposals have been accepted in principle. In *Murrell v SSCLG [2010] EWCA Civ 1367* it was confirmed that the assessment of such matters has to be made in a context where the principle of development is not itself at issue (paragraph 46). The installation therefore has to be sited somewhere within the target area. A lack of suitable alternatives could indicate that the proposal is the 'least worst' option. Given the acceptance of telecommunications equipment by the Order this could be a strong factor in favour of allowing the prior approval appeal.
61. In line with paragraph 117 c) the appellant should provide evidence to explain which alternative sites were considered and why they were rejected in favour of the appeal proposal. Reasons could include:
- The site is not within the target area
 - The alternative site would have a worse effect in terms of appearance (perhaps because a taller/bulkier mast might be required to secure coverage depending on topography and neighbouring buildings)
 - The location of the site would have an adverse impact on residential amenity
 - The landowner is unwilling to allow their site to be used
 - Mast sharing is not technically feasible or would require a taller/bulkier mast (for example, would two slimline poles have a lesser effect than a single bulkier/taller mast?)
 - Access and/or servicing would not be feasible
62. In assessing the sites that have been discounted is there clear and persuasive evidence for this? **Is that evidence comprehensive and reliable?** The approach taken by the LPA may inform you in this respect and third parties may also provide evidence. **In *Murtagh* a local resident referred to an existing mast and the Inspector failed to grapple with that issue.** However, in order to conclude that a location has been discarded too hastily then some good reason will be required to counter the appellant's conclusions. **This might be the case if there are ambiguities or omissions in the evidence provided about alternative sites** What you are assessing is the likelihood that more suitable sites may reasonably be available.
63. If there is no dispute between the parties that all possible realistic alternatives have been assessed and properly rejected then there may be no need to delve into this further. **On the other hand, if you conclude that whilst alternatives may exist the appeal proposal is preferable even though it would cause some harm, then cogent reasons should be given for that finding.**
64. There is no specific requirement to seek out or consider alternative sites which have not been raised by any of the parties. However, in considering whether alternatives exist you will want to be satisfied that a thorough review of possible options within the search area, **or possibly just outside it,** has been conducted. Your approach to this should be realistic

and not expect that every single part of the search area has been accounted for. If the LPA and others have been unable to suggest any then you might reasonably conclude that there are none. Furthermore, it is more convincing to point to potential alternative locations rather than to conclude that you are not persuaded that there are not better locations. However, such findings should be of a general nature as you should not reach firm conclusions about the acceptability of alternative sites as this would fetter future decision makers.

65. If any significant changes to the appellant's case occur during the appeal proceedings interested parties may need to be given an opportunity to comment. This was considered in *Phillips v FSS, Havant BC and Hutchison 3G (UK) Limited* [2003] EWHC 2415 (Admin). In that case the potential availability of alternative sites was material to the decision. The relevant area of search was expanded from 200 metres in diameter, at the time of the application, to 400m in the appellant's appeal statement. The interested party was unaware of this and so was denied the opportunity to make representations about the larger search area. The Court concluded that this procedural unfairness had substantially prejudiced her interests.

Green Belts

66. In **planning appeals** Green Belt issues should be dealt with in the same way as any other appeal. The advice in the ITM chapter on Green Belts and paragraphs 142 to 159 of the NPPF will be relevant.
67. Telecommunications equipment is likely to be regarded as a building for the purposes of Green Belt policy having regard to the definition of 'building' in section 336(1) of the *TCPA 1990*. Therefore, unless the proposed development would fall within one of the exceptions set out in paragraph 154 of the NPPF, it would be inappropriate development. Other considerations that might weigh in favour of a proposal may include its benefits, the need for additional coverage or capacity and the lack of realistic alternatives outside the Green Belt.
68. Permitted development rights for Part 16 development apply in the Green Belt. Therefore, in **prior approval appeals** the principle of development is not for consideration and the question of whether or not the proposal represents inappropriate development in the Green Belt does not arise. This should therefore not be addressed. In considering the matters of siting and appearance it is advisable to limit references to the Green Belt as far as possible. It is preferable to consider the effect on the countryside rather than the effect on the character and appearance of the Green Belt.

Health

69. It is a requirement that the network operators confirm that the proposals are International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliant. This is referred to at paragraph 122 of the NPPF. Most applications are accompanied by a certificate stating that the proposal complies with the requirements of the ICNIRP radio frequency public exposure guidelines.
70. Evidence may be presented about the implications for health but paragraph 122 of the NPPF makes clear that LPAs should not set health safeguards that are different from the International Commission guidelines for public exposure. If you intend to depart from the NPPF regarding health, you will need to demonstrate that there are exceptional circumstances that justify doing so.

71. Health and public fears about health are capable of being a material consideration, and, if raised by the parties it should be made clear that they have been taken into account in the context of the NPPF. If no evidence has been provided to show that the ICNIRP guidelines would not be complied with then the matter could be covered by the paragraph in the example template decision at Annex A.

Balancing

72. If there is no harm you will be allowing the appeal.
73. In **planning appeals** if there is harm, you should quantify it and then balance the harm against any social and economic benefits as well as the need for the proposal, having regard to the potential availability of alternative sites. Pay particular attention to the requirements of paragraph 121 of the NPPF in doing so.
74. In **prior approval appeals** where harm would occur to the significance of a designated heritage asset there will be a need to balance that harm against the public benefits that would occur. In cases not involving heritage assets, the potential wider benefits of the proposed development should not normally be taken into account as the only relevant matters are siting and appearance. However, a balance may need to be struck between the need for the development to be located as proposed and the availability of realistic alternatives.
75. The final balancing is most convincing when it is clear that importance has been attached to both the positive and negative aspects of the proposal and that it is obvious why one is given greater importance to the other. Conclusions should be consistent with the findings made previously as part of the reasoning. It is also good practice for the conclusion to refer back to the originally defined issue.

Kiosk developments

76. [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019](#) came into force on 25 May 2019 and amended Class A of Part 16 of Schedule 2 by removing permission for the installation, alteration or replacement of a public call box by, or on behalf of an electronic communications code operator. Prior to then a considerable number of appeals were made against the refusal or non-determination of prior approval. Such appeals often included arguments about whether the proposal was for a dual purpose including advertising and therefore outside the scope of the Order. This was settled by the Court of Appeal judgment in [New World Payphones Ltd v Westminster City Council \[2019\] EWCA Civ 2250](#). The changes to the Order mean that proposed kiosks will now require planning permission.

ANNEX A - Decision Template Example

(GPDO 2015 Schedule 2, Part 16, Class A)

Appeal Ref: []

[Address]

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 [*appellant's name*] against the decision of [*LPA's name*].
 - The application Ref [], dated [], was refused by notice dated [].
 - The development proposed is [].
-

Decision

1. The appeal is allowed and 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 siting and appearance of [*development*] at land at [*address*] in accordance with the terms of the application Ref [...], dated [*date*], and the plans submitted with it including [*plan nos...*]

OR

2. The appeal is dismissed.

Procedural Matter

Either:

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.

Or:

4. Because this is an application for prior approval the provisions of the 2015 Order 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. This appeal will be determined on the same basis.

Planning Policy

Either:

5. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan [*and any related guidance*] [*and the National Planning Policy Framework (NPPF)*] only in so far as they are a material consideration relevant to matters of siting and appearance.

Or:

6. There is no requirement to have regard to the development plan as there would be for any development requiring planning permission.

7. Nevertheless, Policies of the Local Plan are material considerations as they relate to issues of siting and appearance. In particular, they seek to Similarly, the National Planning Policy Framework is also a material consideration and this includes a section on supporting high quality communications.

Main Issue(s)

Option 1

8. The main issue(s) is/are the effect of the siting and appearance of the proposed installation on [e.g. *the character and appearance of the area or the significance of designated heritage assets or*].

Option 2

9. The main issues are the effect of the siting and appearance of the proposed installation on the 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

10. [add reasons]

Other Matters

Benefits [IN CASES NOT INVOLVING HERITAGE ASSETS – in those cases a balance against public benefits WILL be required as per paragraphs 201 or 202 of the National Planning Policy Framework]

11. Reference has been made to various social and economic benefits but these have not been taken into account in considering the matters of siting and appearance.

Health

12. Concerns have been raised about potential effects on health. However, the appellant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). In these circumstances, the NPPF advises that health safeguards are not something which a decision-maker should determine. No sufficiently authoritative evidence has been provided to indicate that the ICNIRP guidelines would not be complied with or that a departure from national policy would be justified.

Conditions [if allowing]

Either:

13. Any planning permission granted for the [development] under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must 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.

Or:

14. 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.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

OR

16. For the reasons given above, I conclude that the appeal should be dismissed.