

APPLICATION FOR PRIOR NOTIFICATION – DEVELOPMENT BY ELECTRONIC COMMUNICATIONS CODE OPERATORS

CASE OFFICER REPORT

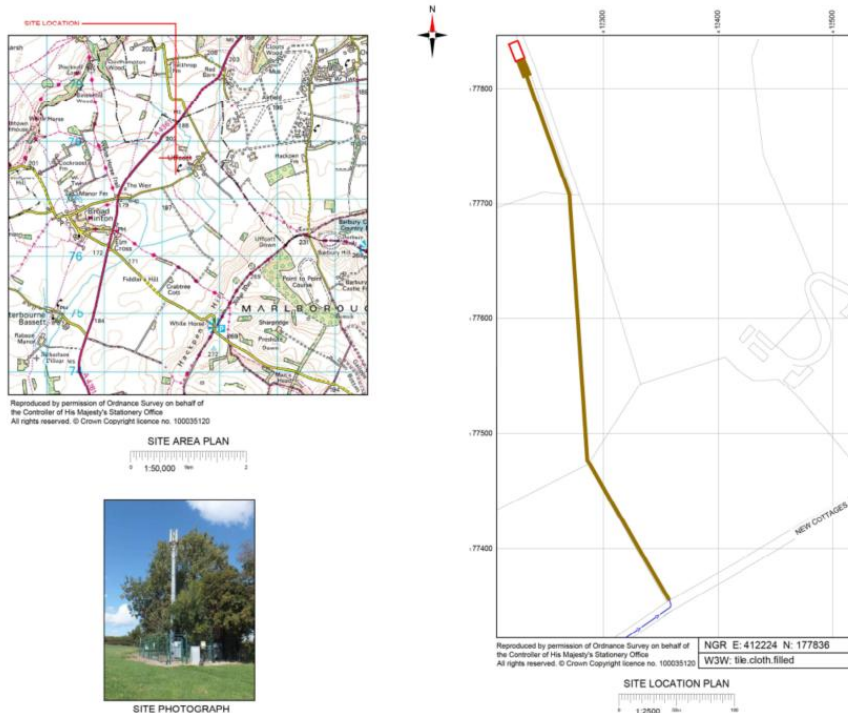
APPLICATION REFERENCE:	PL/2026/00192
APPLICATION TYPE:	Prior notification: Development by telecoms operators
SITE ADDRESS:	Land at Four Trees Field, off A4361, Uffcott, SN4 9NA
DEVELOPMENT DESCRIPTION:	The upgrade of the existing telecommunications site, comprising the installation of a generator, the internal upgrades of the existing equipment cabinet within the existing fenced compound, and ancillary development thereto
RECOMMENDATION:	Prior Approval Not Required

SITE DESCRIPTION/CONTEXT

The application site consists of an existing telecommunications site with an existing fenced compound located within the land at Four Trees Field in Uffcott with an existing access route from the road at New Cottages. The application site is located approximately 463 metres to the north of New Cottages and approximately 307 metres to the southeast of the A4361. There is a Public Rights of Way Footpath BHIN21 approximately 130 metres to the east.

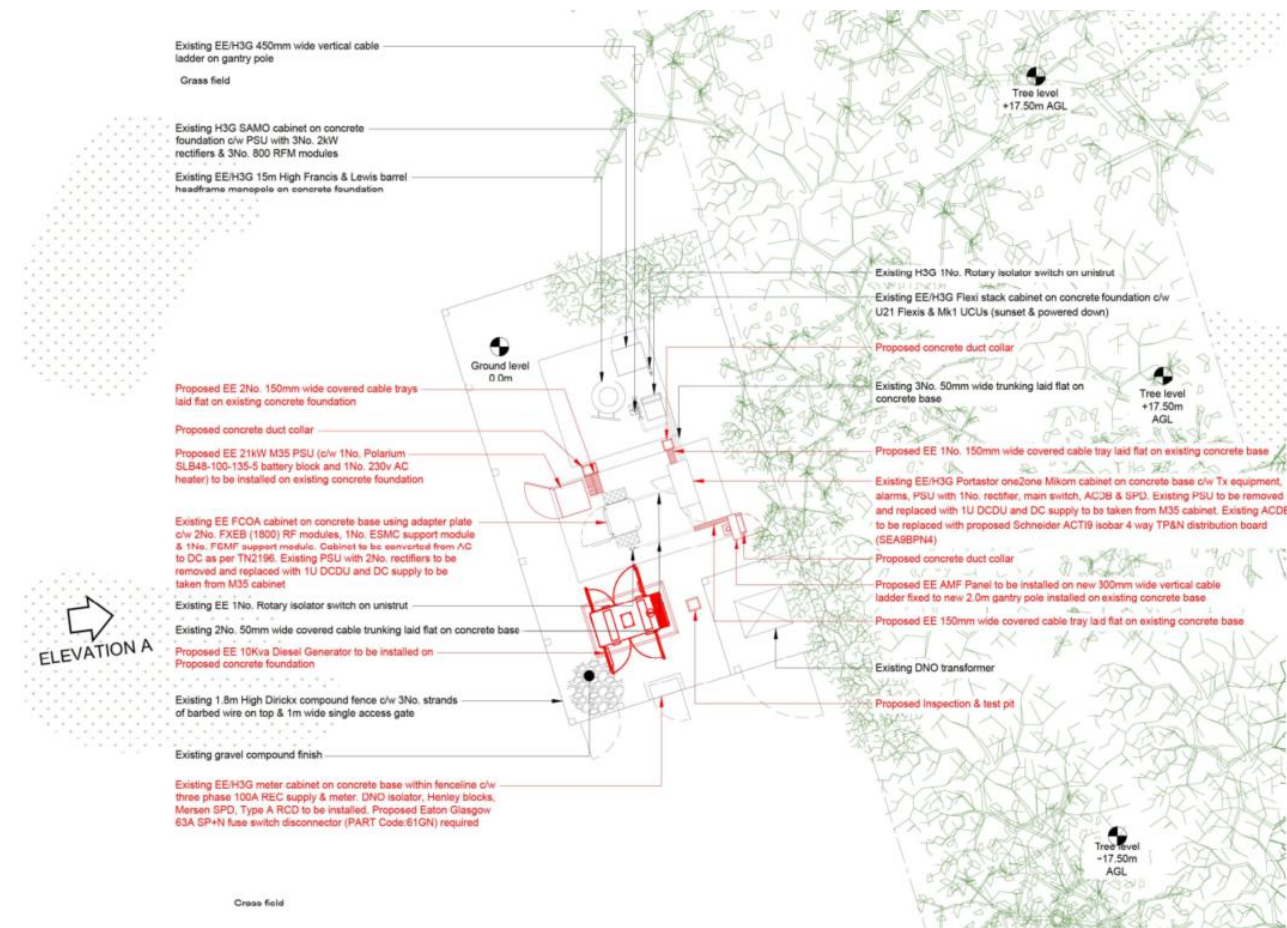
The site is overwashed by the North Wessex Downs National Landscape and Area of Outstanding Natural Beauty.

The site lies within Flood Zone 1, and is at negligible risk from surface water flooding. It lies within an area identified to have a risk of flooding to subsurface assets however the surface manifestation of groundwater is unlikely.



PROPOSAL

The proposal seeks to establish whether Prior Approval is required, for the proposed development including the upgrading of the existing telecommunications site. The proposed works include the installation of a generator, internal upgrades of the existing equipment cabinet within the existing fenced compound, and ancillary development which is specified in the proposed site plan submitted.



RELEVANT PLANNING HISTORY

Proposal / Summary
K/40818 - Full planning permission Decision - Refused Date: 23/5/2001 – Telecommunications installation comprising of 15 m monopole, antennae, transmission dishes and associated equipment cabin and fencing.
15/03736/FUL - Full planning permission Decision - Approve with Conditions Date: 29/5/2015 – Upgrade of existing telecommunications installation to facilitate enhanced coverage and new 4G services. Proposed works comprise the replacement of 3no. antennas and addition of 4no. 600mm diameter dishes on the monopole, along with replacement of 1no. eq
ENQ/2025/01884 - Pre-Application enquiry Decision - Withdrawn by Council Date: 12/12/2025 – Proposed upgrade of existing electronic communications apparatus.

RELEVANT LEGISLATION, POLICY AND GUIDANCE

This application is assessed under Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which grants planning permission for certain

types of development described in Schedule 2 of the Order. The grant of permission is subject to the limitations, conditions, and provisions set out within the relevant Classes of permitted development.

Under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), certain types of electronic communications development may be permitted, including:

- the installation, alteration or replacement of any electronic communications apparatus,
- the use of land in an emergency for a period not exceeding 18 months to station and operate
- moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- development ancillary to radio equipment housing.

The aforementioned amendment introduced a new permitted development right to alter or replace existing telecommunication masts located on article 2(3) land (such as conservation areas), subject to a height limit of the greater of the existing height or 20 metres. Prior approval is required for increases in height above 20 metres. This package of amendments was introduced by the Government to facilitate the establishment of modern communications apparatus and infrastructure such as for 5G, which has been judged by successive governments to be important to a modern economy and in attaining sustainability objectives.

The permitted development granted subject to the prior approval procedure is similar to the granting of outline planning permission, with details of precise siting and appearance being reserved. This is explained at paragraph 8.4 of the Code of Best Practice on Mobile Network Development in England, November 2016. The National Planning Policy Framework is also accordingly clear that permitted development rights should not generally be withdrawn.

As a consequence, the scope of determination does not extend to whether the site selected is needed, as the principle of the development is not a material consideration given that the PD Regulations set out there is no need for a developer to apply for planning permission for such works. Likewise, whilst information on alternative sites may be supplied by way of background and context, the extent of the decision making pursuant to the proposed siting is limited to the precise siting at the identified site and not the general location.

ASSESSMENT

Does the Proposal Qualify as Permitted Development?

Having completed the detailed assessment checklist at Appendix 1 of this report, it is concluded that the proposed development qualifies as permitted development under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the assessment may now proceed to consider the siting, design, and external appearance of the development as required by the GPDO.

Is Prior Approval Required?

Within Schedule 2, Part 16 of the GPDO, Article A.2(3) confirms that any proposal for a mast that lies on article 2(3) land, excluding development specified in sub-paragraph (4), is subject to the developer seeking prior approval from the LPA as set out within Article A.3 (of Part 16 of the GPDO). Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. Article A.3 goes on to set out a number of requirements for both the developer and the LPA (relating to notifications and consultations) that it is considered have been met by both parties in this case.

The LPA must take into account any representations made in response to the consultations required by Article A.3.

Siting and appearance

In terms of appearance, the site is located within the North Wessex Downs National Landscape and there is a PRow footpath approximately 130 metres to the east. Some views of the site may be exposed to this PRow and from the site's access path. However, much of the views from the PRow footpath are obscured by the intervening trees and hedgerows, and the proposed scale, form and general design of the development would be contained within the existing fenced telecommunications compound at ground level. All of the proposed alterations and installation of the generator would not protrude above the height of the existing fence. It is therefore not considered to give rise to unacceptable harm on the site and its surrounding landscape.

In terms of siting, the application site is existing and there is no evidence available to the LPA to confirm the existing location has caused problems to the use(s) of surrounding land. The certification provided by the developer are sufficient to demonstrate that the proposed equipment would, when operational, comply with International Commission guidelines. Notwithstanding this, the site is located in an area with a significant distance from the nearest residential properties and there are no nearby schools, aerodrome safeguarding zones, technical sites or military explosives storage areas. The nearest residential dwelling lies approximately 285 metres to the southeast of the site.

Taking the above into consideration, it is concluded that prior approval is not required as to the siting and appearance of the proposed communications development.

CONCLUSION

The proposed development has been assessed against the provisions, limitations, and conditions set out in Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the submitted plans, supporting information, and the findings of this report, it is concluded that the proposal complies with the criteria for permitted development, and therefore falls within the scope of Class A. As such, the local planning authority has considered whether prior approval is required in relation to the siting and external appearance of the development. In this case, it is concluded that prior approval is not required, and the development may proceed in accordance with the submitted details.

RECOMMENDATION:

That Prior Approval is NOT required.

APPENDIX 1 – PERMITTED DEVELOPMENT CHECKLIST

	Permitted Development	Yes / No
A	Does the proposal involve Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of— (a) the installation, alteration or replacement of any electronic communications apparatus, (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or (c) development ancillary to radio equipment housing.	Yes, the proposal includes alterations to an existing electronic communications apparatus and therefore complies with the criteria.
Criteria (A.1) – Development not permitted by Class A: (Ground-based apparatus)		
(a)	In case of the installation of electronic communications apparatus (other than a mast), would the development exceed a height of 15 metres above ground level?	N/A – only alterations are proposed which do not include development higher than 15 metres above ground.
(b)	in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, would the apparatus, excluding any antenna, when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater?	N/A
(c)	In the case of the installation of a mast, would the mast, excluding any antenna, exceed a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway?	N/A – the proposal does not include the installation of a mast.

(d)	In the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or	No, the application site lies within the National Landscape which falls within Article 2(3) land, however it would not exceed above the limitations set out in the criterion.
(e)	In the case of the alteration or replacement of a mast— (i) Would the mast be on any land which is, or is within, a site of special scientific interest; and (ii) Would the mast, when altered or replaced, exceed the original width of the mast by more than one third?	No, the existing mast is not within a SSSI and is approximately 17 metres high above ground and the proposed alterations would not result in any development higher than the existing apparatus.

The remaining criteria set out under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are not relevant to this application.