

APPEAL STATEMENT

Appellant: Andrew Hughes **Site Address:** 74 Eastern Avenue, Chippenham, Wiltshire, SN15 3LW
LPA Reference: PL/2025/09769

Appeal Type: Householder – Non-Determination **Ground:** Failure of the Local Planning Authority to determine the application within the statutory period

1. Introduction

This appeal is submitted under section 78 of the Town and Country Planning Act 1990 on the grounds that Wiltshire Council failed to determine the application within the statutory 8-week period. The application was validated, the Local Planning Authority (LPA) had all determinative information necessary to reach a decision, and no extension of time was agreed.

The proposal seeks permission for the installation of amateur-radio antennas, including a retractable mast within the rear garden of a single dwelling. The development is modest in scale, domestic in character, and designed to minimise visual impact.

2. Background and Timeline

- **Application validated:** 14th January 2026
- **Statutory determination deadline:** 11 March 2026
- **Confirmation of correct dimensions:** 9 March 2026
- **Case officer site visit:** 18th February 2026
- **Additional photographs supplied:** Prior to deadline
- **Updated drawings emailed:** 25 March 2026
- **Appellant declined extension of time:** 25 March 2026
- **LPA still undetermined as of:** 4 April 2026

On **25 March 2026**, the appellant explicitly stated:

“As noted previously, I do not agree to an extension of time.”

On **31 March 2026**, the appellant reiterated that the statutory period had expired and that a non-determination appeal would be submitted.

No extension of time was ever agreed.

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3. Completeness of the Application

On **9 March 2026**, the appellant confirmed that all dimensions and specifications in the application form and supporting statement were correct, and that only the illustrative drawings required amendment. The LPA had:

- validated the application

- visited the site
- received photographic evidence
- received updated drawings

The LPA therefore possessed all material information necessary to reach a decision **before the statutory deadline**.

Any technical issue with the Planning Portal upload was outside the appellant's control. Updated drawings were subsequently supplied by email.

4. Reason for Appeal: Non-Determination

The LPA did not issue a decision by **11 March 2026**, the statutory deadline.

No extension of time was agreed. The appellant explicitly declined an extension by email on **25 March 2026, Additionally Email — 25 March 2026 (09:53)**.

The LPA therefore failed to determine the application within the required period, and the appeal is properly brought on the grounds of **non-determination**.

5. Description of Development

The proposal is for the:

“Installation of amateur radio antennas including a retractable mast within the rear garden.”

This is a domestic, householder-scale development serving a lawful hobby and voluntary emergency-communications role as the sole member of Raynet in Chippenham.

6. Planning Merits of the Proposal

6.1 Visual Impact

- The mast is **retractable**, remaining below the roofline when not in use.
- Antennas are **slender**, neutral in colour, and visually comparable to existing rooftop aerials in the area.
- The proposal does not create overshadowing, loss of light, overlooking, or enclosure.

6.2 Character of the Area

- The surrounding area contains multiple rooftop aerials and domestic installations.
- The proposal is consistent with the residential character and scale of development.

6.3 Technical and Operational Context

- Amateur radio is a regulated activity requiring functional antenna systems.
- The retractable design minimises visual presence and is used intermittently.
- The installation supports emergency-communications capability, though this is not relied

upon as a determinative planning argument.

6.4 Precedent and Proportionality

- The proposal is significantly smaller and less visually prominent than many telecommunications structures in the wider area (additional Ddocumentation supplied).

7. Policy Considerations

The proposal accords with:

Wiltshire Core Strategy – Core Policy 57

- Respects local character
- Protects residential amenity
- Uses appropriate materials and scale
- Minimises visual intrusion through retractability and slender design

National Planning Policy Framework (NPPF)

- Supports proportionate, well-designed development
- Encourages effective use of land
- Requires LPAs to make timely decisions
- Emphasises that minor domestic development should be determined efficiently and fairly

The development is modest, proportionate, and compatible with both local and national policy.

8. Photographic Evidence (Submitted Separately)

A separate **Photo Pack** accompanies this appeal. It demonstrates that:

- the mast is **not visible** from the public realm
- the surrounding area contains **existing slender vertical structures**, including TV aerials and telegraph poles
- a **distant utility pylon** is visible from the street, illustrating the presence of tall vertical infrastructure in the wider context
- the proposal sits comfortably within the established character of the neighbourhood

These photos support the conclusion that the visual impact of the proposal is limited, proportionate, and acceptable.

9. Procedural Fairness

The LPA:

- validated the application
- had all determinative information
- conducted a site visit
- received photographic evidence
- did not issue a decision
- did not secure an extension of time

The appellant acted reasonably throughout, provided all requested information, and allowed additional time beyond the statutory period before lodging this appeal.

In correspondence prior to the statutory deadline, the case officer indicated that he was minded to support the application subject to receiving updated drawings. These drawings were subsequently provided. This reinforces that the proposal raised no substantive planning concerns and that the failure to determine was procedural rather than due to any identified harm.

The failure to determine is solely procedural and not attributable to the appellant.

10. Conclusion

The LPA failed to determine the application within the statutory period, despite having all necessary information. The proposal is modest, visually proportionate, and consistent with both local and national planning policy.

The appellant respectfully requests that the Inspector allows the appeal and grants planning permission.