



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

STATEMENT OF CASE

Appeal Reference: 6007663

LPA Reference: PL/2025/09769

Site Address: 74 Eastern Avenue, Chippenham, SN15 3LW

Appellant: Mr Andrew Hughes

Development Description: Radio Antenna

Procedure: Written Representations

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Date: 28 April 2026

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1. INTRODUCTION

- 1.1 This Statement of Case is submitted on behalf of the Local Planning Authority in response to the appeal lodged by Mr Andrew Hughes (the ‘appellant’) against the non-determination of planning application PL/2025/09769 seeking retrospective householder planning permission for the installation of “*Radio Antenna*” (the ‘proposed development’) at 74 Eastern Avenue, Chippenham, SN15 3LW (the ‘site’).
- 1.2 The purpose of this statement is to establish the background and planning context of the appeal scheme and to set out the Council’s case that, should the application have been determined, why planning permission would have been refused for the following reasons:
 1. The Proposed Block Plan (ref. BDS-12-25-03, dated December 2025) does not accurately show the location the antennas, nor the spread of antenna 3 and the Proposed Elevations (ref. BDS-12-25-04, dated December 2025) do not accurately represent the scale (in terms of height, thickness and spread) and appearance of the antennas. In addition, the antenna heights illustrated on the Proposed Elevations do not reflect those quoted in the Design and Access Statement (received 14 January 2026) and the appellant has stated that these plans are a visual representation only. The proposed plans are therefore not sufficiently clear or accurate and fail to provide visual clarity about the design of the development. The application therefore fails to meet the requirements of paragraph 140 of the National Planning Policy Framework, which seeks to ensure sufficient clarity and certainty in approved plans.
 2. By reason of their prominence, significant height, spread and incongruous industrial appearance, the proposed radio antennas, both individually (in the case of antennas 1 and 3) and cumulatively, fail to respond positively to the suburban context, character and local distinctiveness of the host dwelling, street scene and wider area. The proposed development therefore fails to achieve a high standard of design, harmonise with the local context and complement the locality, resulting in harm to the visual amenity and character of the site and its surroundings. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy, draft Policy 98 of the emerging Wiltshire Local Plan, the Wiltshire Design Guide, and section 12 of the National Planning Policy Framework, which collectively seek to ensure high-quality design that respects local character and integrates appropriately with its surroundings.
- 1.3 This statement has been prepared in accordance with the Planning Inspectorate’s Procedural Guide for Planning Appeals and complies with the requirements of the Town and Country Planning Act 1990 (as amended) and associated regulations. It provides a clear and robust justification for the Council’s position, referencing relevant planning policy, guidance, and material considerations.

2. BACKGROUND

- 2.1 A complaint was received from a local resident concerning the installation of the antenna at the property. Officers visited the property and advised the appellant to remove the antennas or submit a planning application seeking retrospective permission (see section 3 for further details). The application was received on 15 December 2025 and validated on 14 January 2026 following the submission of additional documentation. The statutory determination deadline was 11 March 2026.
- 2.2 An email was received from the agent (Building Design Surveys Ltd) on 6 March 2026 which stated “*we are happy for an extension of time it need be*” and provided an Additional Information Statement setting out a further planning justification in relation to the NPPF and suggesting planning conditions including restricting the maximum extended antenna height of 9m. Please see the email at **appendix 1** for further details.
- 2.3 Officers raised concerns on 9 March 2026 highlighting inaccuracies on the Proposed Elevations (ref. BDS-12-25-04, dated December 2025) and their inconsistency with the dimensions specified in the Design and Access Statement (see section 5 for further details).
- 2.4 Revised plans were received on 25 March 2026. Officers requested an extension of time on the same day to allow for the consideration of the revised plans. In an email received at 09:42, the appellant declined this request and explained that “*I confirmed in writing that the dimensions and specifications set out in the application form and supporting statement were correct... The drawings are a visual representation only and do not override the formally submitted dimensions, which were correct and unchanged*” [underlined for emphasis].
- 2.5 Officers advised the appellant in an email at 09:49 that formal proposed plans were required and that the Council was not obliged to accept or consider amended plans submitted beyond the determination deadline without an extension of time being agreed. The appellant again declined the requested extension of time in an email received at 09:53. Consequently, officers have treated the proposed plans as for illustrative purposes only and the revised plans were not considered. Please refer to the full email chain at **appendix 1** for further details.
- 2.6 The appeal against non-determination was subsequently received on 4 April 2026.
- 2.7 In relation to the revised plans, the Council notes that the appeal should be determined on the basis of the original application submission. Notwithstanding this, it is a matter for the Planning Inspectorate to decide whether the revised plans should be accepted for consideration. It is understood that such revisions are only accepted in exceptional circumstances and subject to the Inspectorate’s agreement, in accordance with the Wheatcroft principle and Planning Inspectorate procedural guidance. Any amendments must not prejudice interested parties nor compromise the fairness or integrity of the appeal process.

3. SITE CONTEXT

Location

- 3.1 74 Eastern Avenue is a residential plot situated on the west side of Eastern Avenue, a residential street in the eastern area of Chippenham (designated a Principal Settlement in the Wiltshire Core Strategy). The site location is indicated at **figure 1**.



Figure 1: Satellite image with the site outlined in red (source: Google Maps, dated June 2023).

Wider Area Description

- 3.2 The section of Eastern Avenue in which the site is located comprises an unmarked, two-way residential street with a mix of detached and semi-detached bungalows to the west and semi-detached and short-terrace two-storey dwellings to the east, arranged in a relatively low density of approximately 25 dwellings per hectare (dph). The properties are generally set back behind modest front gardens and there is a sloping green verge along the east side of the road. Taken together, these features contribute to Eastern Avenue's green and distinctly suburban character. The topography of Eastern Avenue steps down from the east to the west, levelling out towards Downham Mead to the west.
- 3.3 Of particular relevance to the appeal, the street contains typical domestic communications infrastructure, including telegraph poles spaced at regular intervals and television antennas, usually one per dwelling, mounted approximately 1-2m above roof ridge height. In addition, overhead powerlines can be seen in long-distance views to the north.

- 3.4 In terms of immediate surroundings, the site adjoins two storey residential properties to the north, south and west with Eastern Avenue to the east and bungalows beyond.

Site Description

- 3.5 The appeal site comprises a two-storey semi-detached dwelling with a set-back garage and associated residential amenity space. The building consists of a principal two-storey range with a pitched roof, a canopy on the south side elevation, and a single-storey rear addition. The submitted illustrative plans indicate eaves at approximately 5.1m and a ridge height of 7.4m, although these dimensions have not been independently verified by officers. External materials comprise blockwork walls, concrete roof tiles, and uPVC doors and windows.
- 3.6 Although now present on site, the antennas are described and illustrated separately in section 5 of this statement. The precise date of their installation is unclear; however, the submitted Application Form confirms that installation was completed in January 2025. For reference, the antennas do not appear in the June 2023 satellite imagery reproduced at **figure 1**, nor in the July 2004 Google Street View image shown at **figure 2**, indicating that they are indeed a recent addition to the property.



Figure 2: Street view of the site (source: Google Street View, dated July 2024).

Constraints and Designations

- 3.7 The site is not subject to any planning constraints/designations pertinent to the assessment of the proposed development.

4. PLANNING HISTORY

- 4.1 The planning history relevant to this appeal includes applications pertaining to the site, as well as the associated enforcement case concerning the radio antennas that preceded the application now under appeal. In addition, the Council draws the Inspector's attention to a recent appeal decision in Wiltshire relating to smaller radio antenna development in a comparable suburban context, which was dismissed. These cases are summarised below.

Planning Applications and Enforcement Cases Relating to the Site

Relevant Planning Records			
Reference	Description	Decision	Date
N/11/02999/FUL	Demolition of existing garage and part of existing rear extension and erection of single storey side and rear extension	Approved	25/10/2011
ENF/2025/00976	Unauthorised antennas and ariel	N/A	N/A
PL/2025/09769	Radio Antenna	N/A	N/A

- 4.2 **Commentary on enforcement case ENF/2025/00976:** On 17 October 2025, a complaint was received from a local resident concerning the installation of the antenna. The complaint was accompanied by an image showing antennas 1 and 3.
- 4.3 Officers conducted site visits on 27 October and 13 November 2025. The appellant was advised that planning permission was required. Consequently, they were advised to remove the antennas or submit a planning application seeking retrospective planning permission. Following the submission of planning application PL/2025/09769, the case was temporarily closed pending the determination of the application (and now the outcome of the subsequent appeal) and this was confirmed to the appellant via email on 15 January 2026 (see **appendix 2**).
- 4.4 **Commentary on [unknown] 25/00431 referred to in appellant's Design and Access Statement (DAS):** The first paragraph under the introduction of the DAS states "*This application is submitted following the grant of permission under reference 25/00431, which authorised the installation of radio amateur masts at the property*". There is no such record relating to the site and for the avoidance of doubt, no permission has been granted for the installation of radio amateur masts at the property.

Appeal Precedent Relating to 2 Chestnut Nepaul Road, Tidworth SP9 7EU

- 4.5 **Commentary on [application PL/2021/03418](#) / appeal APP/Y3940/W/21/3289937:** An application seeking householder planning permission for the installation of an 11m retractable antenna support system (mast) and three antennas was refused on 9 July 2021 and subsequently dismissed on 26 September 2022. The Appeal Decision, plans and images are attached at **appendix 3** and the images are shown at **figure 3**.



Fig.1 View toward existing mast from within the site



Fig.2 View toward existing mast from Car Park located at rear of Merrington Way

Figure 3: Images of the refused and dismissed development.

- 4.6 The Council considers this appeal precedent to be pertinent on the basis that it relates to a similarly suburban context and that the proposal was for a single, smaller and more visually discreet mast. In justifying the dismissal of the retrospective development, the Inspector assessed that:

7. *Unfortunately, the impact would be materially different when the mast and associated antenna equipment are in operation, when its height would significantly increase (extending upwards to approximately 11m). At this height, the apparatus would sit significantly taller than the garage, protruding well above the roofscape of properties along the road. As a result, it would appear very prominent in the surrounding street scene.*
8. *When operative, some of the proposed antenna equipment affixed to the top of the mast would extend outwards. In this position, the mast would take on a distinctly industrial appearance, which would appear stark and alien in the residential context of the surrounding area. Due to the prominence of the mast, this juxtaposition with the prevailing residential nature of the area would be keenly felt throughout the surrounding streets, which would be visually disruptive to the area's character.*
9. *For these reasons, the development would harm the character and appearance of the area. It would conflict with [Core] Policy 57 of the Wiltshire Core Strategy (2015), which requires new development to respond positively to the townscape, through high quality design which is sympathetic to its immediate setting in terms of height, mass and scale. The development would also conflict with the overarching design objectives of the Framework. [Underlined for emphasis.]*

5. PROPOSED DEVELOPMENT

5.1 The proposal relates to the retrospective installation of “*Radio Antenna*”. The submitted Design and Access Statement (DAS) states that the permission is requested for four antennas in order to facilitate the appellant’s amateur radio operation. It is understood that this is a hobby and, in planning purposes, is a function incidental to the enjoyment of the dwellinghouse. The DAS describes the proposed antennas as follows:

- **Antenna 1:** A vertical antenna mounted on the rear elevation of the property which projects 4.5m above the ridge.
- **Antenna 2:** A vertical antenna mounted on the rear elevation adjacent to antenna 1 which projects 0.1m above the ridge.
- **Antenna 3:** A Triple Delta Loop Antenna mounted on a telescopic monopole mast close to the rear of the property. The mast extends from 4.5-5m up to 8-8.5m and the triple antenna element measures 2.6m long by 2.6m wide, its width is unconfirmed. In total, antenna 3 is understood to stand 6.1-6.6m when inactive and 10.6-11.1m when raised for use.
- **Antenna 4:** A wire running from two ground-mounted poles at the rear of the garden to the first floor of the property. The height of the poles is unconfirmed. Officers also observed three wires running from the northern pole.

5.2 As noted at paragraph 2.3, the submitted proposed plans show measurements that differ from those set out above. The appellant subsequently confirmed that the originally submitted plans were intended as a “*visual representation only*”. Revised plans were submitted two weeks after the determination deadline; however, as no extension of time was agreed, these were not considered. In any event, the revised plans also appear to contain several inaccuracies. The measurement discrepancies of the Proposed Block Plan and the original and revised Proposed Elevations are illustrated at **figures 4, 5 and 6** (with full-size versions at **appendix 4**).

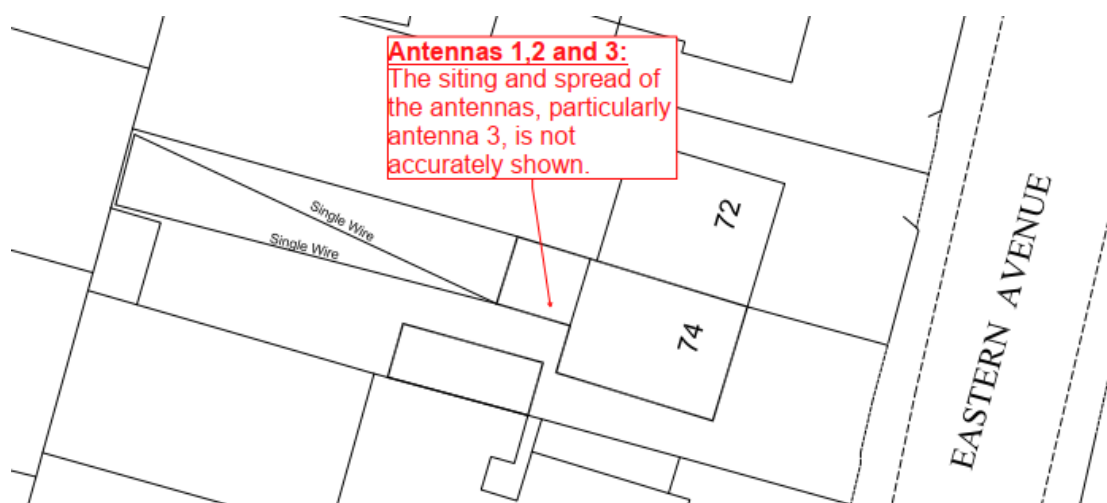
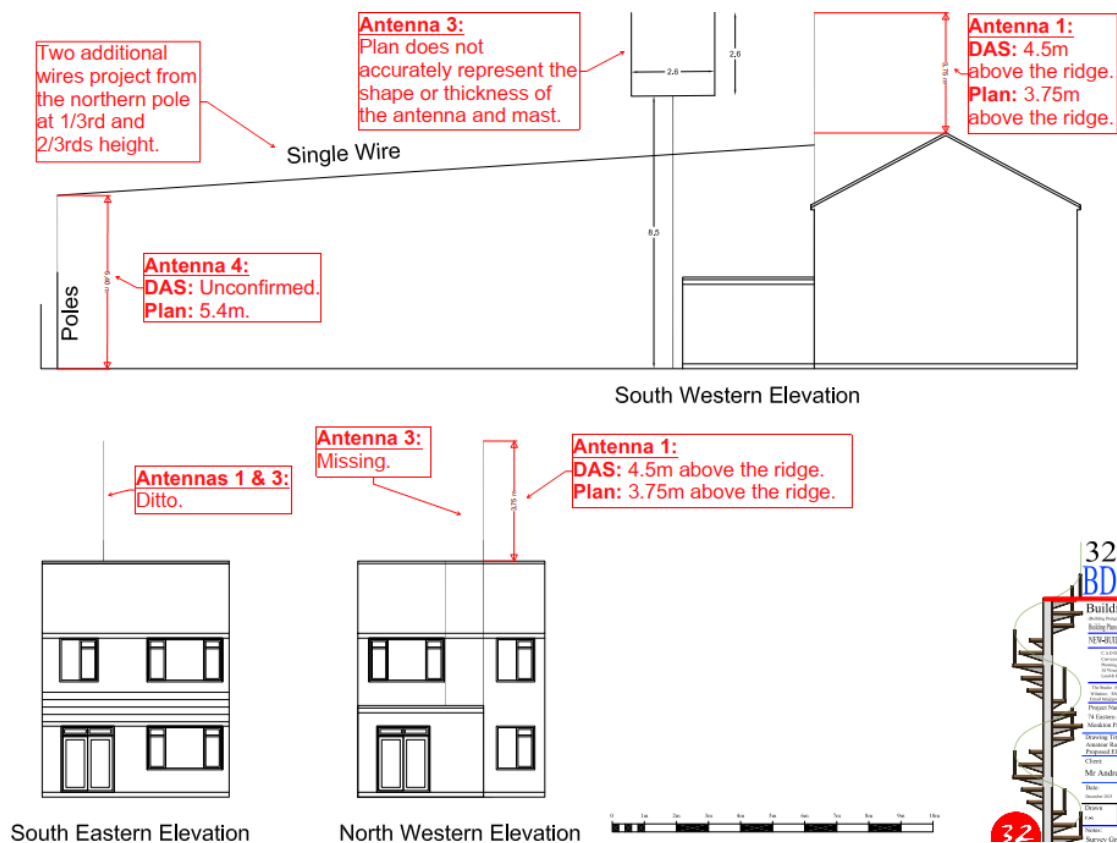
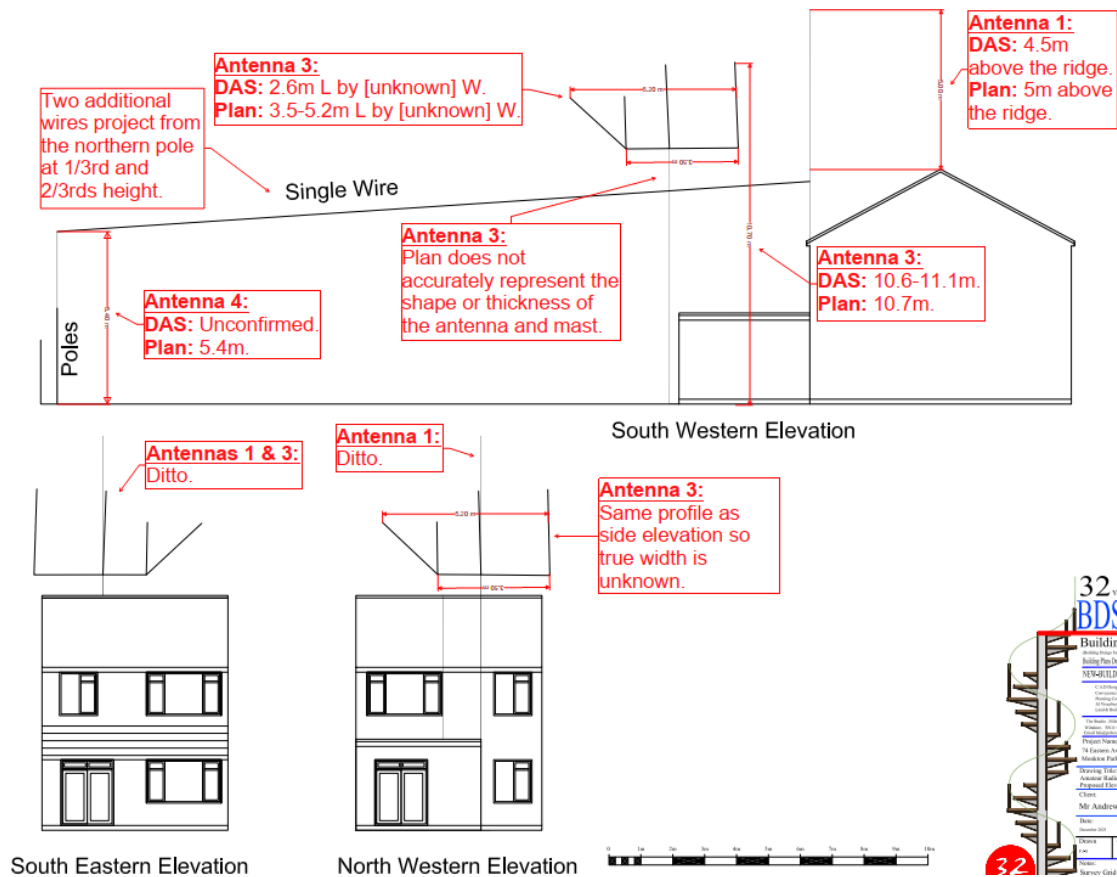


Figure 4: Proposed Block Plan with inaccuracies annotated.



5.3 **Figure 7** shows antenna 3 in its inactive retracted position.





Figure 7: Images of the proposed development with antenna 3 in its inactive retracted position (source: Wiltshire Council).

- 5.4 The images at **figure 8** were provided by the appellant via email on 26 February 2026 and show antenna 3 raised, though it is unconfirmed whether it is raised to full height.



Figure 8: Images of the proposed development with antenna 3 raised, the last image is from Downham Mead (source: appellant).

- 5.5 During the site visit, the appellant advised officers they only operate and thus raise antenna 3 on the weekend, though no hours of use are specified on any documents, nor confirmed elsewhere in writing.

6. PLANNING LEGISLATION, POLICY AND GUIDANCE

- 6.1 This section identifies the relevant planning legislation, policy, and guidance and, where necessary, provides commentary on their status. These documents are summarised in the subsequent sections of this statement insofar as they are relevant to the assessment of the appeal. Full copies of the referenced materials have been submitted to the Planning Inspectorate.

Planning Legislation

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Act 2004

Development Plan

- Wiltshire Core Strategy (adopted January 2015):
 - Core Policy 57: Ensuring high quality design and place shaping

Material Considerations (Policy)

- National Planning Policy Framework (NPPF) December 2024
 - Section 2. Achieving sustainable development
 - Paragraph 11(c)
 - Section 4. Decision-making
 - Paragraph 57
 - Section 10. Supporting high quality communications
 - Paragraphs 119-123
 - Section 12. Achieving well-designed places
 - Paragraph 131
 - Paragraph 135(a-d and f)
 - Paragraph 139
 - Paragraph 140
- Wiltshire Local Plan Submission Draft 2020-2038 (WLP, Regulation 24) – the examination of the emerging Wiltshire Local Plan has been paused and as such, only very limited weight can be afforded to the emerging plan. A decision on how to proceed will be made by the Council in May 2026.
 - Policy 98: Ensuring high quality design and place shaping

Material Considerations (Guidance)

- National Planning Practice Guidance:
 - Design: process and tools
 - Use of planning conditions
- National Design Guide (January 2021)
- Wiltshire Design Guide (March 2024)

7. CONSULTATION RESPONSES AND LOCAL REPRESENTATIONS

7.1 The consultation responses and local representations are set out below.

Consultation Responses

7.2 **Chippenham Town Council:** No objection.

7.3 **Wiltshire Council – Public Protection:** The Environmental Health Officer advised that the proposal would have no adverse impacts in respect of environmental pollution.

Local Representations

7.4 Six representations were received from members of the public, comprising three comments in support of the application from individuals located across the South East, and three objections from local residents.

7.5 The representations in support of the application raise the following points:

- The appellant is a member of the Radio Amateurs' Emergency Network (RAYNET) and, through this role, provides voluntary emergency communications support to authorities and local communities.
- Amateur radio operation is of public and historic value and supports positive community engagement, including forming friendships and providing educational support and guidance to other amateur radio operators.
- Amateur radio operators are licensed by Ofcom.

7.6 The objections raise the following concerns:

- The antennas are considered to be visually intrusive, unsightly, and out of keeping with the surrounding residential area. They are highly visible from the public highway, frequently fully extended, and of a height that is regarded as excessive, including elements extending above roof level, resulting in harm to the character and appearance of the area.
- The number and scale of the antennas have increased over time, creating an untidy and cluttered appearance, with multiple antenna types installed around the house and garden.
- Concerns have been raised regarding the structural safety and security of the antennas, particularly the risk of storm damage.
- It is suggested that the presence of the antennas could negatively affect neighbouring residents' outlook and property values. [It should be noted that the potential impact on property values is not a material planning matter.]
- Up to 10 antennas have been erected. [Officers have confirmed that there are no additional antennas on site beyond those for which permission is sought.]
- A preference is expressed for more typical garden features, such as trees or landscaping.

8. THE COUNCIL'S CASE

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with this requirement, this application has been assessed against the relevant policies of the development plan and the material considerations listed above.
- 8.2 Having regard to the planning context and nature of the proposal, the following matters are considered pertinent to the assessment of the proposal and are addressed in turn:
- Principle of development (including public benefits)
 - Design (plan inaccuracies)
 - Design (impact on visual amenity of the site and its surroundings)
 - Residential amenity
 - Other matters

Principle of Development

- 8.3 **Policy context:** NPPF section 10 states that planning decisions should support the expansion of electronic communication networks. Paragraph 120 states that the number of radio communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Paragraph 122 states that applications for electronic communications development should be supported by the necessary evidence to justify the proposal.
- 8.4 **Assessment:** There are no specific development plan policies that address the principle of installing amateur radio equipment at a residential property. As the proposal relates to the retrospective installation of equipment associated with a domestic hobby, the Council consider that it facilitates a use incidental to the primary residential use of the dwelling. On this basis, the proposal is considered acceptable in principle.
- 8.5 With regard to Section 10 of the NPPF, the submitted Design and Access Statement (DAS) provides limited justification in relation to the siting and number of antennas proposed, as well as the needs of users and the efficient operation of the network. Notwithstanding these shortcomings, it is considered that the proposal broadly accords with the objectives of Section 10 of the NPPF.
- 8.6 **Public benefits:** The DAS asserts that the proposal would deliver public benefits by supporting the amateur radio network and by enabling the appellant's role as the "*sole RAYNET member in Chippenham, providing backup emergency communications to statutory authorities, event organisers and local government*". For reference, RAYNET is the Radio Amateurs' Emergency Network, a voluntary organisation of amateur radio operators, licenced by the Ofcom, who provide emergency communication services for the public, emergency services and other authorities when required.

- 8.7 While it is acknowledged that the proposal may provide some public benefit in this regard, the Council draws the Inspectorate's attention to appeal APP/Y3940/W/21/3289937 in which the Inspector stated at paragraph 12 that "*I recognise the contribution that amateur radio can make to community life, particularly in terms of emergency communications... Unfortunately, in this instance, these benefits would not be sufficient to outweigh the harm identified to the character and appearance of the area...*". The Council considers that a similar conclusion applies in the case of this appeal, in that the limited public benefits associated with the proposal would not outweigh the identified harm to the character and appearance of this predominantly suburban area.

Design (Plan Inaccuracies)

- 8.8 **Policy context:** NPPF paragraph 57 requires that conditions be necessary, relevant to planning and the development, enforceable, precise and reasonable in all other respects.
- 8.9 Paragraph 140 requires LPAs to ensure that planning conditions refer to clear and accurate drawings which provide visual clarity about the design of the development. This is to provide visual certainty regarding the approved design, assist applicants and developers in understanding how to comply with the permission, and enable authorities to effectively monitor and enforce any potential breaches.
- 8.10 **Assessment:** As explained at paragraphs 2.3 and 5.2, and illustrated at **figures 4, 5 and 6**, both the original and revised plans contain a number of inaccuracies and are inconsistent with the DAS, which the appellant has stated contains the correct measurements. These discrepancies are summarised below:
- **Proposed Block Plan:**
 - The siting of the antennas is not identified.
 - The shape/spread of antenna 3 is not shown.
 - **Original Proposed Elevations:**
 - The height of antenna 1 is different to that specified in the DAS (difference of 0.5m).
 - The height of antenna 3 is different to that specified in the DAS (difference of 0.1-0.4m).
 - The length and width of antenna 3 is different to that specified in the DAS (difference of 0.9-2.6m and unconfirmed respectively).
 - The triangular profile of antenna 3 is not accurately shown on the front and rear elevations.
 - The plan does not accurately represent the shape or thickness of antenna 3, including its mast.
 - The height of the antenna 4 poles is unconfirmed.
 - Two additional wires project from the northern pole at circa 1/3rd and 2/3rd height are not shown.

- The side elevation does not accurately reflect the sloping site topography.

- **Revised Proposed Elevations:**

- The height of antenna 1 is different to that specified in the DAS (difference of 0.75m).
- Antenna 3 is not shown on the front and rear elevations and the side elevation does not accurately represent the shape or thickness of antenna 3, including its mast.
- The height of the antenna 4 poles is unconfirmed.
- Two additional wires project from the northern pole at circa 1/3rd and 2/3rd height are not shown.
- The side elevation does not accurately reflect the sloping site topography.

8.11 In addition, the Council have concerns regarding the accuracy of the measurements provided in the DAS. In particular reference to antenna 3, the DAS states “*mast retracts to approx. 4-5m* [unintelligible] *below the roofline*” [underlined for emphasis]. However, the first two images at **figure 7** show the antenna in its lowered position protruding above the roofline of the host dwelling, calling into question the reliability of the measurements set out in the DAS.

8.12 Having regard to the above, the submitted plans do not provide sufficient clarity on the proposed development and the proposal is therefore considered to be contrary to NPPF paragraph 140 in this regard.

8.13 Furthermore as set out above, the submitted plans have been described by the appellant as being for “*visual representation only*”. In light of this, even if the Council were minded to support the proposal, the absence of clear and accurate proposed plans would prevent the imposition of a planning condition securing the development as approved in a manner that is sufficiently precise and, therefore, enforceable. On this basis, the proposal fails to meet the requirements of NPPF paragraph 57.

Design (Impact on Visual Amenity of the Site and its Surroundings)

8.14 **Policy context:** WCS Core Policy 57 requires that all development be of high design quality, create a strong sense of place and complement its context, including through enhancing local distinctiveness and responding positively to local characteristics.

8.15 The Wiltshire Design Guide expands upon the principles set out in Core Policy 57, although it does not provide specific guidance in relation to communications infrastructure. In broad terms, the guide promotes development that comprehends and complements its context. Of particular relevance in this case are its objectives relating to roofscape, height, massing, and scale.

8.16 NPPF section 12 states that the creation of high quality, beautiful and sustainable development is a fundamental aim of the planning process. In respect of design and visual amenity, paragraph 135 states that planning decisions should ensure that

development functions well, adds to overall development quality, is visually attractive, compatible with local character and fosters a strong sense of place. Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government design guidance.

- 8.17 **Assessment:** As described at paragraph 3.2, the site context has a distinctly suburban character that is formed of a low-moderate density of modern residential development with a consistent building line, relatively consistent roofscape and soft landscaping. As mentioned, the street contains typical domestic communications infrastructure including regular telegraph poles and television antennas (one per dwelling). The impact of the antennas on this context is assessed individually and cumulatively below.
- 8.18 Antenna 1 projects well above the roofline of the host dwelling, measuring approximately 4.5 metres in height as stated in the DAS, and 3.75-5m as shown on the illustrative proposed plans. Although the antenna has a slender profile which reduces its prominence to some degree, its height nonetheless uncharacteristic of domestic-scale development. As such, it is not considered to be in keeping with the suburban site context.
- 8.19 Antenna 2 broadly follows the roofline of the host dwelling and, when viewed from most angles, does not appear to project to any significant degree above it. Given its siting and height, together with its linear and slender profile, it is not considered to be an unduly incongruous feature.
- 8.20 In its retracted position, the DAS states that antenna 3 (the Triple Delta Loop Antenna) sits beneath the roofline (which the plans shown is 7.4m high). However, as mentioned at paragraph 8.11 and shown at **figure 7**, antenna 3 appears to protrude above the roofline in its retracted state and, when in use, would be extended to 11.1m high, this being circa 3.7m above the roofline.
- 8.21 Owing to its substantial height, antenna 3 is readily perceptible from numerous vantage points within the public realm when in its retracted position, including from locations immediately adjacent to the site, along the elevated pavement on the eastern side of Eastern Avenue, and in views between the buildings comprising Downham Mead. When fully extended, antenna 3 would become one of, if not the tallest structure along this stretch of Eastern Avenue, significantly increasing its visual prominence within the street scene. Furthermore, the triangular triple-loop antenna has an irregular and utilitarian form which, when combined with its height, results in a visually discordant feature that appears incongruous within the prevailing suburban context.
- 8.22 According to the illustrative proposed plans, the two poles of antenna 4 stand approximately 5.4m high at the rear of the garden. In this location, they have a limited presence in the street scene and their height and profile would not be unduly disproportionate to the host dwelling.
- 8.23 When assessed cumulatively, the radio antennas, by reason of their height and non-domestic form, represent prominent features with a distinctly utilitarian and industrial appearance. As a result, they appear at odds with the prevailing suburban

character of the site and its surroundings, an effect which is particularly pronounced when Antenna 3 is raised to its full height.

- 8.24 While the proposal must be determined on its own merits, the Council would highlight that the Inspectorate reached a very similar conclusion when dismissing appeal APP/Y3940/W/21/3289937 for a single, smaller antenna in a similarly suburban context. In that case, the antenna retracted to just 3.4m – well below the 7.4m+ retracted height of the larger triple loop antenna in this case.
- 8.25 In summary, by reason of their prominence, significant height, spread and incongruous industrial utilitarian appearance, the proposed radio antennas, both individually (in the case of antennas 1 and 3) and cumulatively, fail to respond positively to the suburban context, character and local distinctiveness of the host dwelling, street scene and wider area. The proposed development therefore fails to achieve a high standard of design, harmonise with the local context and complement the locality, resulting in harm to the visual amenity and character of the site and its surroundings. The proposal is therefore contrary to WCS Core Policy 57, the Wiltshire Design Guide, and NPPF section 12.

Residential Amenity

- 8.26 WCS Core Policy 57(vii) requires that development be compatible with the adjoining uses and protect the residential amenity of existing and future users of the site and its surroundings, including in respect of natural lighting, privacy, outlook and pollution sources.
- 8.27 The Wiltshire Design Guide refers to the BRE Site layout planning for daylight and sunlight guidance as an appropriate source for assessing the impact of proposals on natural lighting. The Design Guide also states that development should not be unduly overbearing or obtrusive to neighbouring properties.
- 8.28 NPPF section 12, paragraph 135(f) states that planning decisions should ensure that development is inclusive, achieves a high standard of amenity and quality of life.
- 8.29 The proposal is not considered to generate any adverse impacts in respect of natural lighting, privacy and other pollution sources.
- 8.30 In assessing appeal APP/Y3940/W/21/3289937, the Inspector asserted at paragraphs 10 and 11 that *“Given the close proximity between the [the rear elevation of a neighbouring property and the antenna sited 11m to the side and rear of the property], the substantial [11m] height and industrial appearance of the mast and associated antenna equipment would have an overbearing impact on the property, which would be harmful to the living conditions of its occupiers. This impact would also be felt within the rear gardens of dwellings along Nepaul Road... and Merrington Way [sited circa 22-40m away], albeit to a lesser degree, given the greater levels of separation between the appeal dwelling and these properties”* [underlined for emphasis].
- 8.31 In the case of the appeal development, the larger antennas form a noticeable element of the outlook from the immediately adjoining properties on either side of the site and

are also visible from the rear elevations and/or gardens of a number of properties along Eastern Avenue and Downham Mead. As such, it is considered that the antennas would result in an overbearing impact on the residential amenity of neighbouring occupiers, particularly those closest to the site and, to a lesser extent, those within the wider area. While this impact is not considered to be so significant as to justify a separate reason for refusal, it nonetheless represents an additional factor which weighs against the proposal when assessed in the round.

- 8.32 Consequently, the proposal is considered to maintain the living conditions of the neighbouring properties to an acceptable, albeit absolutely marginal, degree in accordance with WCS Core Policy 57 and NPPF section 12.

Other Matters

- 8.33 **Environmental protection:** Having regard to the comments of the Environmental Health Officer, the Council raises no objection to the proposal in respect of environmental protection matters.
- 8.34 **Safety:** The Council acknowledges the concerns raised by local residents regarding the safety of the antennas, particularly during adverse weather conditions. During the site visit, the appellant advised that the antennas are mounted on hinged mechanisms, allowing them to be collapsed lengthways into the garden of the host property when required. It is further considered that a suitably worded planning condition could reasonably be imposed to require the antennas to be collapsed during storm events, thereby addressing these safety concerns.
- 8.35 **Property values:** While the Council are mindful of the concerns raised by local residents regarding potential impacts on property values, such matters are not material planning considerations and have therefore been afforded no weight in assessment process.

9. COMMENTS ON APPELLANT'S STATEMENT OF CASE

- 9.1 The Council has reviewed the Appellant's Statement of Case and considers that the majority of matters raised have already been addressed within sections 5 and 8 of this statement. Notwithstanding this, the appellant has raised a limited number of additional points, which are set out and responded to below in the order in which they appear in the appellant's statement.
- 9.2 **1. Introduction – paragraph 1:** While the application was validated, it only became apparent following the site visit that the submitted documents contained inaccuracies. Furthermore, the appellant confirmed at a very late stage in the process that the proposed plans were illustrative only and intended as a "*visual representation only*". As a result, the Council was not in receipt of sufficiently accurate or definitive information to enable any decision other than refusal to be reached.
- 9.3 **3. Completeness of application:** The Application Form did not provide any dimensions and specifications, rather it referred to the illustrative proposed plans.
- 9.4 The appellant stated in email correspondence that revised plans were uploaded via the Planning Portal on 9 March 2026. However, the Council received no notification from the Planning Portal confirming any such submission. The Council subsequently requested evidence to demonstrate that the revised plans had been successfully submitted via the Planning Portal, but no such evidence was provided.
- 9.5 **6. Planning Merits of the Proposal – 6.4 Precedent and Proportionality:** Antennas 1 and 3 exceed the height of telecommunications infrastructure in the surrounding area, even when allowing for the fact that antenna 3 is located on lower ground than the telegraph poles situated on the opposite side of Eastern Avenue.
- 9.6 It is also material to note that, unlike the appeal proposal, which is associated with a private domestic hobby, the existing telecommunications infrastructure within the street serves an essential function for the operation and daily use of all residential properties. As such, that infrastructure delivers a markedly higher level of public benefit than that attributable to the proposed development.
- 9.7 **9. Procedural Fairness – paragraph 3:** The case officer consistently advised that the application represented a particularly borderline proposal and that, while initial views leaned towards support, this was expressly subject to endorsement through the Council's senior officer quality review process, as evidenced by the correspondence at **appendix 1**. Following that review, together with further detailed assessment and consideration of relevant appeal decisions, the Council concluded that the proposal is unacceptable for the reasons set out above.

10. CONCLUSION

- 10.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the Council has assessed the appeal proposal against the relevant policies of the development plan and has taken into account all other material considerations.
- 10.2 For the reasons set out within this statement, the Council considers that the proposal conflicts with Core Policy 57 of the Wiltshire Core Strategy, which is an up-to-date policy and the principal policy against which the proposal falls to be assessed. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Furthermore, NPPF section 12 provides additional support for refusal in respect of design and visual amenity considerations. Had the application been determined within the statutory timescale, planning permission would have been refused for the following reasons:
1. The Proposed Block Plan (ref. BDS-12-25-03, dated December 2025) does not accurately show the location the antennas, nor the spread of antenna 3 and the Proposed Elevations (ref. BDS-12-25-04, dated December 2025) do not accurately represent the scale (in terms of height, thickness and spread) and appearance of the antennas. In addition, the antenna heights illustrated on the Proposed Elevations do not reflect those quoted in the Design and Access Statement (received 14 January 2026) and the appellant has stated that these plans are a visual representation only. The proposed plans are therefore not sufficiently clear or accurate and fail to provide visual clarity about the design of the development. The application therefore fails to meet the requirements of paragraph 140 of the National Planning Policy Framework, which seeks to ensure sufficient clarity and certainty in approved plans.
 2. By reason of their prominence, significant height, spread and incongruous industrial appearance, the proposed radio antennas, both individually (in the case of antennas 1 and 3) and cumulatively, fail to respond positively to the suburban context, character and local distinctiveness of the host dwelling, street scene and wider area. The proposed development therefore fails to achieve a high standard of design, harmonise with the local context and complement the locality, resulting in harm to the visual amenity and character of the site and its surroundings. The proposal is therefore contrary to Core Policy 57 of the Wiltshire Core Strategy, draft Policy 98 of the emerging Wiltshire Local Plan, the Wiltshire Design Guide, and section 12 of the National Planning Policy Framework, which collectively seek to ensure high-quality design that respects local character and integrates appropriately with its surroundings.
- 10.3 The Council recognises that the proposal offers some limited public benefits, including support for the amateur radio community and the facilitating emergency radio communications. However, it is considered that these limited benefits would in no way outweigh the identified harm to visual amenity, including the adverse impact on the character and appearance of the predominantly suburban site and its surroundings.

- 10.4 For these reasons, the Council concludes that the appeal proposal does not accord with the development plan and does not benefit from the presumption in favour of sustainable development set out at paragraph 11(d) of the NPPF. The Council therefore respectfully requests that the appeal be dismissed.
- 10.5 Without prejudice, should the Inspector be minded to allow the appeal, the Council requests that the conditions set out at **appendix 5** be imposed to ensure the development is acceptable in planning terms and in accordance with NPPF paragraph 57 and relevant PPG advice on the use of planning conditions.

11. APPENDICES

Appendix 1: Email correspondence with appellant regarding plan inaccuracies, revised plans and officer position.

Appendix 2: Email correspondence with appellant regarding temporary closure of enforcement investigation.

Appendix 3: Application PL/2021/03418 / appeal APP/Y3940/W/21/3289937 – Decision Notice, Plans and Images

Appendix 4: Proposed Block Plan and the original and revised Proposed Elevations annotated with inaccuracies

Appendix 5: Suggested planning conditions

APPENDIX 1

Email correspondence with appellant regarding plan inaccuracies, revised plans and officer position

Edge, Alex

From: peter james-stephen <bds-calne@outlook.com>
Sent: 06 March 2026 09:27
To: Edge, Alex
Subject: Re: 74 eastern avenue other masts

Morning Alex,

I wonder if you could pop this statement on to the website.

we are happy for an extension of time it need be

Many Thanks

Peter

ADDITIONAL INFORMATION STATEMENT

Planning Application: PL/2025/09769

Proposed :Amateur Radio Mast – Technical Planning Statement

1. Introduction

This statement is submitted in support of the above application to clarify several technical and policy matters relevant to the planning assessment. It addresses the physical nature of the proposed mast, the applicable national planning policy framework, and the appropriate approach to determining the application in accordance with the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework (NPPF, December 2024).

2. Statutory and Policy Framework

2.1 Section 38(6) – Plan-Led Decision Making

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 Relevant NPPF Provisions

The following NPPF paragraphs are directly relevant:

- Para 2 – Confirms the statutory basis for plan-led decisions.
- Para 11(c) – Requires approval without delay where proposals accord with the development plan.
- Para 12 – Refusal is only justified where there is a clear conflict with policy.

- Paras 39–41 – Require proportionate, fair, and evidence-based decision-making.
- Para 47 – Applications must be determined on their own merits, not on informal precedent.
- Para 57 – Conditions must be used to make development acceptable wherever possible.
- Para 8(b) – Social and community benefits are material considerations.
- Para 93 – Planning should support infrastructure that strengthens community resilience.
- Paras 135, 136 & 156 – Visual impact assessments must be proportionate, and refusal is justified only where harm is “significant and demonstrable”.

There is no Wiltshire Local Plan policy that restricts domestic amateur radio installations of this type. In the absence of policy conflict, the presumption in favour of approval applies.

3. Physical Characteristics of the Mast

3.1 Reversible, Non-Permanent Construction

The proposed mast is a 9-metre telescopic domestic installation fixed to the existing hardstanding using a four-bolt baseplate. This method of installation:

- requires no excavation;
- creates no foundations;
- results in no permanent alteration to the land;
- is fully reversible and removable in a short period of time.

Under NPPF paragraphs 135 and 156, the permanence and scale of a structure are material to the assessment of visual impact. A bolt-down, reversible installation of this nature does not constitute a permanent change to the character of the area.

3.2 Absence of Permanent Visual or Physical Impact

Because the mast is not fixed by foundations and does not create a new built form, it does not result in irreversible visual change. Any perceived impact is temporary and mitigable.

Under NPPF paragraph 136, refusal is justified only where harm is “significant and demonstrable”. No such harm arises from a reversible domestic installation of this scale.

4. Public Benefit as a Material Consideration

4.1 Emergency Communications Capability

The applicant is the only RAYNET member based in Chippenham, providing emergency communications support to Wiltshire Council, emergency services, and local resilience partners. The mast directly enables this capability.

4.2 NPPF Requirements

Under:

- NPPF paragraph 8(b) – social and community benefits must be given weight;
- NPPF paragraph 93 – planning should support infrastructure that enhances community resilience.

This is a real, operational, and locally relevant public benefit, not an abstract or hypothetical one. It must therefore be afforded material weight in the planning balance.

5. Visual Impact and Proportionate Assessment

5.1 NPPF Requirements

The NPPF requires a proportionate approach to visual assessment:

- Para 135 – assessments must be proportionate to the scale and permanence of development;
- Para 156 – decision-makers must consider the actual effect on the character of the area;
- Para 136 – refusal is justified only where harm is “significant and demonstrable”.

5.2 Application to This Proposal

The mast is:

- slimline in profile;
- non-reflective in finish;
- screened by existing boundary treatments;
- retractable when not in use;
- reversible and non-permanent.

On this basis, no significant or demonstrable harm arises.

6. Use of Conditions

6.1 NPPF Paragraph 57

The NPPF requires local authorities to use planning conditions to make development acceptable wherever possible.

6.2 Suitable Conditions

The following conditions are reasonable, enforceable, and directly address any residual concerns:

- maximum extended height (9 metres);
- retraction when not in use;
- colour and finish;

- removal if no longer required.

Given the reversible four-bolt design, these conditions are straightforward to apply and enforce.

7. Determination of the Application

7.1 No Policy Conflict

There is no conflict with the Wiltshire Local Plan.

7.2 No Significant Harm

No significant or demonstrable harm has been identified in relation to visual impact, amenity, or character.

7.3 Clear Public Benefit

The mast provides a locally relevant emergency communications capability.

7.4 NPPF Compliance

Under NPPF paragraphs 11(c), 12, 39–41, 47, 57, 135, 136 and 156, the correct and policy-compliant outcome is approval.

8. Conclusion

The proposal represents a low-impact, reversible domestic installation that gives rise to no significant harm and provides clear public benefit. The NPPF requires a proportionate assessment and the use of conditions to make development acceptable. In the absence of any policy conflict or demonstrable harm, the application should be approved in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework.

Peter James-Stephen

Peter James-Stephen MI.Const.M

For **BDS (Building Design Surveys Ltd)**

Offices in Calne Wiltshire & Dawlish Devon

Calne Office 01249 816026

Dawlish Office 01626 889130

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www.bdscale.com

www.peterjames-stephen.com

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>

Sent: 05 March 2026 17:56

To: Andrew Hughes <Ahughes@2t2t.co.Uk>

Cc: bds-calne@outlook.com <bds-calne@outlook.com>

Subject: RE: 74 eastern avenue other masts

Dear both,

This afternoon I have reviewed relevant planning appeal decisions for comparable cases.

From this research, it is clear that infrastructure such as telecommunications masts, telegraph poles etc is generally afforded a greater degree of flexibility, given their recognised role in delivering wider public services. While appeal decisions acknowledge that amateur radio can provide some public benefit, it is not considered comparable and therefore carries considerably less weight in the overall planning balance. Following internal discussion, we have concluded that it is reasonable to focus our assessment on antenna proposals specifically relating to domestic properties.

Turning to local examples, I have identified three comparable cases within Wiltshire. All three involve a lesser number of smaller antennas smaller than the current proposal. Of these, minor antennas were approved, while the more prominent example was refused. That refusal was subsequently appealed and dismissed by the Planning Inspectorate. The decision is attached for reference.

Further afield, I located appeal decisions where masts of up to 12 metres have been allowed in Yorkshire and Somerset. Conversely, a smaller proposal in Suffolk was dismissed. These decisions are also enclosed.

Taking the above into account, the local precedent within Wiltshire indicates a generally more cautious approach toward amateur radio antennas. On that basis, the more consistent position appears to be the refusal of the application. However, I also recognise that similar proposals have been supported elsewhere, subject to appropriate conditions. See examples of such conditions within the attached appeal decisions.

In light of this, I would welcome any additional information or relevant appeal precedents you may be able to provide in support of your case, particularly those involving locations with characteristics comparable to this part of Chippenham.

The application deadline is next Wednesday and I am happy to agree an extension of time in order to allow for a greater level of evidence to be presented in support of your case. I look forward to hearing from you.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 05 March 2026 16:09
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Subject: Re: 74 eastern avenue other masts

Thanks Alex for the update

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Thursday, 05 March 2026 15:51:36
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Subject: RE: 74 eastern avenue other masts

Hi Andrew,

I hope you're well, and thank you for your patience.

Many thanks for sending through the examples and the photos of the antenna fully extended, they're helpful.

I appreciate that the delay and the lack of earlier clarification may have been frustrating. As we discussed on site, although I have broad experience across both the private and public sectors, this is the first application of this specific nature that I've dealt with. As such, I need a little more time to review comparable cases and establish an appropriate frame of reference.

Please bear with me a little longer. I'll be back in touch with an update next week.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114

Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 26 February 2026 12:47
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Subject: 74 eastern avenue other masts

You don't often get email from ahughes@2t2t.co.uk. [Learn why this is important](#)

Hi Alex

Just to provide further evidence.

There is a enormous mast up the top of the hill by Morrisons that's less than 10 ft from one of the new builds back garden, that is right next to the new housing estate 3 times larger than mine, photo attached from street view , I can see this from my street and it's a mile away.

Every mobile phone mast around town is larger than my pole , I have attached one from bristol road which is in a residential area , these are also static and none retractable , I assume they all had planning authorised?

Let's not forget all the pylons all over birds marsh new housing state and cepen park north housing estate attached photos, again example attached of one I found on street view.

I have also attached the television masts that are also higher than mine on hungerdown lane.

I hope this provides suitable approved examples. I can find more if needed.

Regards

Andy Hughes

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Edge, Alex

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 08:32
To: Edge, Alex
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Follow Up Flag: Follow up
Flag Status: Flagged

Under the original planning request I did request for a “variation” permission to the antennas on the top to be permitted , this is to cater for changes in technology and wind damage that may occur. So the antenna sizes may change going forward. I think this was within the original request , this should encompass other antenna designs .

Andy

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 8:28:06 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Noted & I have advised the registration team. If you are able to share a confirmation receipt from the Planning Portal, this would help.
Many thanks

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 08:23
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Sorry that's my mistake there was an additional document also sent on the 6th , I scrolled too far on my texts , he also sent the revised drawings over on the morning of the 9th

Andy

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 8:19:29 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Hi Andrew,

Are you able to provide an email receipt for the submission?

I also find the situation rather unusual. I requested the revised plans on 9 March, yet your email suggests that they were submitted to the Council before that date on 6 March – prior to my identifying the inaccuracies.

In any event, I have asked our Registration Team to investigate this from our side and will update you once I have further information.

Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 08:15
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

I had confirmation that they were sent via email and via the portal on the 6th of march via Peter.

Andy

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: Wednesday, March 25, 2026 8:13:45 AM
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: Re: 74 eastern avenue other masts

They weren't sent by email, they were uploaded to the planning portal.

Peter are you able to advise.

Andy

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 8:11:44 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Hi Andrew,

I have not received revised plans from either you or your agent. These were promised in your email dated 9th March which I attach. Your next email on the 10th provided photos, not amended plans (also attached).

There have been no emails from your agent since the 6th March.

Consequently, no new information has or could have been uploaded to the portal, you can see the latest document on here dates back to January: [Planning Application: PL/2025/09769](#)

I respect your position regarding denying an extension of time. Unfortunately, as you have not provided amended plans and national policy and guidance is clear we cannot approve inaccurate drawings, the application will have to be refused on that basis.

Given the above, there are three options:

1. The Council proceeds to determination based on the information available (resulting in a refusal).
2. The requested revised plans are provided and an extension of time agreed (somewhat likely to result in approval, subject to the senior review process.
3. Submit an appeal against non-determination.

Please could you confirm how you wish to proceed?

Many thanks,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 07:59
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Hi Alex

We supplied you the amended documents within a couple of hours of you requesting them , as far as I'm aware they were uploaded to the portal.

I will not be agreeing to an extension as this has already breached.

Andy

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 7:20:34 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Hi Andrew,

I am well and hope you are too.

I would advise against pursuing an appeal for non-determination for several reasons. Firstly, our current working position is to support the application. Secondly, my understanding was that we were awaiting amended plans from you/your agent to reflect the heights referenced in the supporting statement (see email of 9 March below). Finally, with regard to timescales, we anticipate issuing a decision this week or, at the latest, next week—subject to receiving the requested plan revisions. This remains significantly quicker than the approximately 12-week appeal process.

I would be grateful if we could agree an extension of time once the revised plans have been submitted.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 24 March 2026 16:45
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Hi Alex,

I hope you're well.

As the statutory determination deadline for PL/2025/09769 passed on 11 March and no extension of time has been agreed, the application is now formally in non-determination territory.

I appreciate the update that the recommendation is moving towards approval and that this is currently with your manager for sign-off. To avoid further delay, I'm now preparing the documentation for a non-determination appeal to the Planning Inspectorate.

If an approval can be issued imminently, I'm very happy to proceed on that basis. Otherwise, I will submit the appeal so the application can be determined without further delay.

Please let me know how you wish to proceed.

Faithfully

Andrew Hughes

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Monday, March 16, 2026 8:25:04 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Hi both,

Many thanks for your patience.

By way of a quick update, I shall be writing up my report this week. At this stage, I can confirm that the application is borderline but we are leaning towards approval, subject to several conditions and to the approval of the Chippenham area Development Management Team Leader.

I will write to you regarding proposed planning conditions in due course.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 10 March 2026 07:56
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Hi Alex,

Following our recent correspondence, I wanted to share a set of additional photographs taken today from two and three houses away as I walked up the street. I would encourage you to take a moment to look at what is actually visible in these wider-context views.

From these vantage points, my antennas are either not visible at all or are visually indistinguishable within the existing streetscape. What is clearly prominent, however, are the numerous TV aerials, satellite dishes, and the extensive network of overhead telephone and power lines that already form part of the character of the street.

Given this existing visual environment, I hope it is clear that my installation does not introduce any new or incongruous feature. In fact, it sits well within the established pattern of domestic telecommunications equipment already present along the road.

I appreciate the concern raised about the antennas “not being in keeping with the area,” but I believe the photographic evidence demonstrates that this position would be difficult to sustain, particularly when assessed against the actual visual context and the level of existing infrastructure. I trust these images help clarify the minimal impact of the installation and support a balanced and policy-aligned assessment.

Please let me know if any further information would assist.

Kind regards,
Andrew

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Monday, March 9, 2026 11:15 am
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

See attached

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 09 March 2026 11:14
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

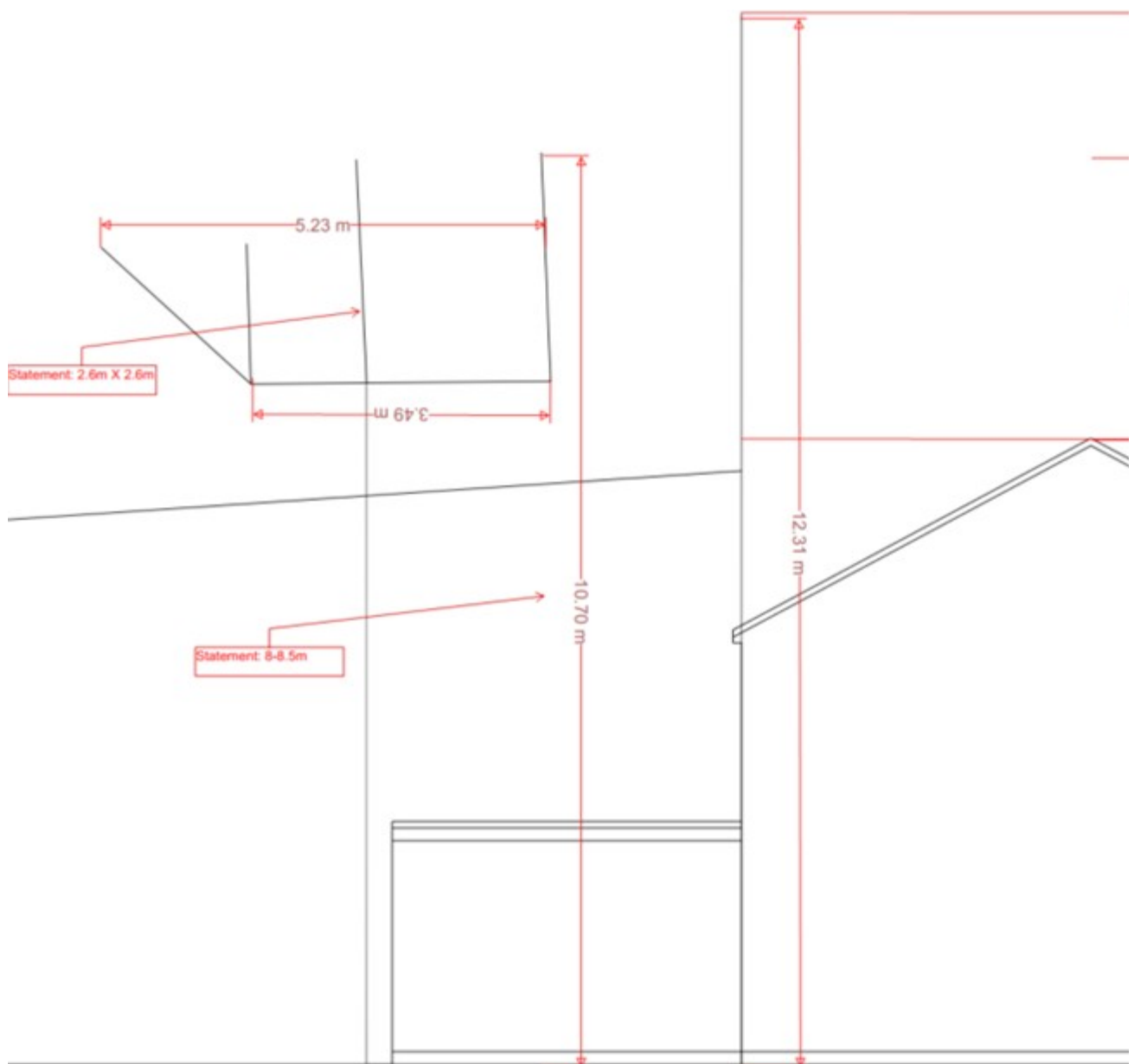
Which statement

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Monday, March 9, 2026 11:10:14 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Hi both,

I am happy to upload the attached the below justification onto the online record but also wanted to offer a final opportunity to introduce any last additional information and to clarify some points:

1. While the development plan is silent on the principle of RAYNET-related antennas on dwellinghouses, please note that the key issue in this case is visual impact. We primarily assess visual impact in relation to Core Policy 57 of the Wiltshire Core Strategy. Please note this policy is accepted by the Planning Inspectorate (PINS) to be consistent with Section 12 of the NPPF. As such, refusing planning permission on the grounds of a policy conflict with Core Policy 57 would be consistent with the NPPF. I would be happy to accept an amended statement which more directly addresses Core Policy 57 if you would like?
2. There appears to be some inconsistencies in the submitted plans and section 2. *Descriptions of Proposed Antenna Installation*. The antennas shown on the submitted plans are quite a bit taller than quoted in the statement. Please could you amend the statement to reflect the plans or vice versa? Whichever is correct.



South Western Elevation

Many thanks,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 05 March 2026 18:25
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Dear Alex,

Thank you for your email and for outlining the appeal decisions you have reviewed. I would like to respond with reference to the relevant provisions of the National Planning Policy Framework (NPPF, December 2024) and the statutory decision-making framework.

1. Statutory basis for decision-making (NPPF paragraphs 2, 11 & 39–41)

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

The NPPF reinforces this at:

- **Paragraph 2**, confirming that planning law requires decisions to be plan-led;
- **Paragraph 11(c)**, requiring approval *without delay* where a proposal accords with the development plan;
- **Paragraphs 39–41**, requiring proportionate, fair, and evidence-based decision-making.

As there is **no Wiltshire Local Plan policy restricting amateur radio masts**, and no identified conflict with the development plan, the presumption in favour of approval applies unless demonstrable harm can be shown.

2. Each application must be judged on its own merits (NPPF paragraphs 39 & 47)

The NPPF requires decision-makers to consider the **specific circumstances of the proposal**.

- **Paragraph 39** requires decisions to be “fair, predictable and proportionate”.
- **Paragraph 47** requires authorities to determine applications “on their merits” and not on informal precedent.

The three Wiltshire cases referenced are not comparable in scale, purpose, or context. A single dismissed appeal cannot be treated as a determinative precedent. The correct test is whether *this proposal* causes material planning harm.

3. Public benefit is a material consideration (NPPF paragraphs 8 & 93)

The NPPF makes clear that planning must support strong, safe, and resilient communities.

- **Paragraph 8(b)** requires decision-makers to consider social benefits, including community resilience.
- **Paragraph 93** requires planning to support the provision of infrastructure that strengthens community preparedness and emergency capability.

As the only RAYNET member based in Chippenham, the mast directly supports emergency communications for Wiltshire Council and local resilience partners. This is a **real, operational, and locally relevant public benefit**, and must be given material weight.

4. Visual impact must be assessed proportionately (NPPF paragraphs 135, 136 & 156)

The NPPF requires authorities to ensure good design but also to avoid disproportionate burdens:

- **Paragraph 135** requires visual assessments to be proportionate to the scale of development.
- **Paragraph 136** states that development should be refused only where the harm is “significant and demonstrable”.
- **Paragraph 156** requires decision-makers to consider the *actual* effect on the character of the area, not theoretical or assumed harm.

The mast is slimline, reversible, non-reflective, and screened by existing boundary features. Views are limited and filtered. On this basis, there is **no significant or demonstrable visual harm**.

5. Conditions must be used to make development acceptable (NPPF paragraph 57)

The NPPF is explicit:

- **Paragraph 57** requires authorities to use planning conditions to make development acceptable wherever possible, rather than refusing it.

I am willing to accept conditions relating to:

- maximum extended height which at maximum height is still lower than the telegraph pole across the road.
- retraction when not in use, which is already being done voluntarily;
- colour/finish, which is already a neutral tone.

These conditions directly address any residual concerns and provide a clear, policy-compliant route to approval.

6. No conflict with the development plan (NPPF paragraphs 11 & 12)

- **Paragraph 11(c)** requires approval where proposals accord with the development plan.

- **Paragraph 12** confirms that local authorities cannot refuse development simply because they would prefer a different approach unless there is a clear policy conflict.

As no such conflict exists, and no significant harm has been identified, refusal would be inconsistent with the NPPF.

Conclusion

When assessed against the statutory framework and the NPPF, the planning balance weighs firmly in favour of approval. There is:

- no conflict with the development plan;
- no significant or demonstrable harm;
- clear, locally relevant public benefit;
- a requirement under paragraph 57 to use conditions rather than refuse.

I therefore respectfully request that the application be determined in accordance with Section 38(6) and the NPPF, based on the site-specific merits of the proposal.

Kind regards,

Andrew Hughes

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>

Sent: Thursday, 05 March 2026 17:56:21

To: Andrew Hughes <Ahughes@2t2t.co.Uk>

Cc: bds-calne@outlook.com <bds-calne@outlook.com>

Subject: RE: 74 eastern avenue other masts

Dear both,

This afternoon I have reviewed relevant planning appeal decisions for comparable cases.

From this research, it is clear that infrastructure such as telecommunications masts, telegraph poles etc is generally afforded a greater degree of flexibility, given their recognised role in delivering wider public services. While appeal decisions acknowledge that amateur radio can provide some public benefit, it is not considered comparable and therefore carries considerably less weight in the overall planning balance. Following internal discussion, we have concluded that it is reasonable to focus our assessment on antenna proposals specifically relating to domestic properties.

Turning to local examples, I have identified three comparable cases within Wiltshire. All three involve a lesser number of smaller antennas smaller than the current proposal. Of these, minor antennas were approved, while the more prominent example was refused. That refusal was subsequently appealed and dismissed by the Planning Inspectorate. The decision is attached for reference.

Further afield, I located appeal decisions where masts of up to 12 metres have been allowed in Yorkshire and Somerset. Conversely, a smaller proposal in Suffolk was dismissed. These decisions are also enclosed.

Taking the above into account, the local precedent within Wiltshire indicates a generally more cautious approach toward amateur radio antennas. On that basis, the more consistent position appears to be the refusal of the application. However, I also recognise that similar proposals have been supported elsewhere, subject to appropriate conditions. See examples of such conditions within the attached appeal decisions.

In light of this, I would welcome any additional information or relevant appeal precedents you may be able to provide in support of your case, particularly those involving locations with characteristics comparable to this part of Chippenham.

The application deadline is next Wednesday and I am happy to agree an extension of time in order to allow for a greater level of evidence to be presented in support of your case. I look forward to hearing from you.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 05 March 2026 16:09
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Subject: Re: 74 eastern avenue other masts

Thanks Alex for the update

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Thursday, 05 March 2026 15:51:36

To: Andrew Hughes <Ahughes@2t2t.co.Uk>

Subject: RE: 74 eastern avenue other masts

Hi Andrew,

I hope you're well, and thank you for your patience.

Many thanks for sending through the examples and the photos of the antenna fully extended, they're helpful.

I appreciate that the delay and the lack of earlier clarification may have been frustrating. As we discussed on site, although I have broad experience across both the private and public sectors, this is the first application of this specific nature that I've dealt with. As such, I need a little more time to review comparable cases and establish an appropriate frame of reference.

Please bear with me a little longer. I'll be back in touch with an update next week.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI

Planning Officer

Development Management

Email: Alex.Edge@wiltshire.gov.uk

Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>

Sent: 26 February 2026 12:47

To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>

Subject: 74 eastern avenue other masts

You don't often get email from ahughes@2t2t.co.uk. [Learn why this is important](#)

Hi Alex

Just to provide further evidence.

There is a enormous mast up the top of the hill by Morrisons that's less than 10 ft from one of the new builds back garden, that is right next to the new housing estate 3 times larger than mine, photo attached from street view , I can see this from my street and it's a mile away.

Every mobile phone mast around town is larger than my pole , I have attached one from bristol road which is in a residential area , these are also static and none retractable , I assume they all had planning authorised?

Let's not forget all the pylons all over birds marsh new housing state and cepen park north housing estate attached photos, again example attached of one I found on street view.

I have also attached the television masts that are also higher than mine on hungerdown lane.

I hope this provides suitable approved examples. I can find more if needed.

Regards

Andy Hughes

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Edge, Alex

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 31 March 2026 18:23
To: Edge, Alex
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Request for Update Prior to Non-Determination Appeal

Hi Alex,

I hope you're well.

The statutory determination period for the above application expired on 11 March, and no decision has yet been issued. I have allowed additional time beyond the statutory period without seeking to hurry the process.

In our previous correspondence you indicated that you were minded to approve the proposal, so I wanted to check whether a decision is imminent. If not, I intend to submit a non-determination appeal to the Planning Inspectorate Friday Morning.

If you are able to provide an update, I would be grateful.

Kind regards,
Andrew

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: Wednesday, March 25, 2026 9:53 am
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: Re: 74 eastern avenue other masts

Hi Alex,

Thank you for confirming receipt of the plans.

Just to reiterate for clarity:

- On 9 March, I confirmed in writing that the dimensions and specifications in the application form and supporting statement were correct, and only the illustrative drawings required amendment.
- These dimensions form the legal basis of the proposal and have not changed.
- Yourself as the case officer has already visited the site, taken photographs, and I have provided additional photographs when requested.
- The LPA therefore had all material information necessary to determine the application within the statutory period.

The updated drawings were emailed today solely to assist, following what appears to have been a portal upload issue outside my control.

As noted previously, I do not agree to an extension of time. However, the LPA is of course still able to issue an approval at this stage should it wish to bring the matter to a positive conclusion.

Kind regards,
Andrew

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 9:48:41 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Andrew

A local planning authority can approve illustrative plans as part of a householder planning permission, but they are typically only used to support the application rather than form the legal basis of the approval. For a householder application to be approved, the core drawing, site plan, floor plans, and elevations, must be to scale, accurate, and define the proposed.

I can confirm receipt of the plans received today.

A local planning authority can refuse to consider revised plans submitted after the expiry date if no extension of time is agreed.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 09:42
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

Alex

I would like to clarify the position regarding the drawings and the statutory determination period.

On 9 March, I confirmed in writing that the dimensions and specifications set out in the application form and supporting statement were correct, and that only the illustrative drawings required amendment. I have attached a screenshot of that email for ease of reference.

As such, the Local Planning Authority had the full and accurate dimensional information necessary to determine the application. The drawings are a visual representation only and do not override the formally submitted dimensions, which were correct and unchanged.

In addition:

- That you in your position of case officer had already visited the site and taken photographs.
- I provided additional photographs when requested.
- The only issue was that the updated drawings did not upload successfully to the portal, which appears to have been a technical fault outside my control.

To ensure full cooperation, I have now supplied the updated drawings by email.

Given that the correct information was provided on 9 March, and the application was validated by the LPA, I do not consider an extension of time to be necessary or appropriate. The statutory determination period has already passed, and the LPA had sufficient information to reach a decision within that timeframe.

For these reasons, I must decline the request for an extension.

However, should the LPA wish to issue an approval at this stage, I would of course welcome that and it would bring the matter to a positive conclusion.

Please confirm receipt of the drawings sent earlier today.

Kind regards,

Andrew Hughes

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 9:20 am
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Hi Andrew,

Indeed, householder consent can allow for maximum dimensions but not for the speculative addition of equipment and accessories. In any event, that is not something we would be minded to support given the borderline nature of the case. I will be in touch with proposed planning conditions in due course if senior colleagues agree the application can be supported.

Also, I can confirm the Registration Team did not receive any documents via the Planning Portal in February or March.

Kind regards,

Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 09:14
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com
Subject: Re: 74 eastern avenue other masts

I did say in the variation request up to a maximum size of X dimensions , I don't recall what they were at the time , but I remember it would be up to a maximum pre-approved size in the request.

Andy

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: Wednesday, March 25, 2026 9:13:00 AM
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: Re: 74 eastern avenue other masts

Is this policy ? As I have a colleague who had a mast application approved with a variation order on it .

From: Edge, Alex <Alex.Edge@wiltshire.gov.uk>
Sent: Wednesday, March 25, 2026 9:10:21 AM
To: Andrew Hughes <Ahughes@2t2t.co.Uk>
Cc: bds-calne@outlook.com <bds-calne@outlook.com>
Subject: RE: 74 eastern avenue other masts

Thanks Andy,

I will forward this to the Registration Team.

Please note that unless you or Peter are able to provide a submission receipt, or the Registration Team confirms that the plan was received on 9 March, I will require an extension-of-time agreement in order to consider the revised plan.

With regard to your comment on a potential variation condition, this is not something that can be accommodated through the householder planning application process. We can only determine and approve what is shown on the submitted plans; planning permission cannot anticipate or allow for speculative future changes to equipment or layout. In addition, it will be necessary to agree a set of planning conditions relating to various aspects of the proposal. These conditions ensure that the Council establishes clear and enforceable parameters for the development, safeguarding against any potential future breach of planning regulations.

Kind regards,
Alex

Alex Edge BSc (Hons) MA MRTPI
Planning Officer
Development Management
Email: Alex.Edge@wiltshire.gov.uk
Tel: 0300 456 0114



Please note that Friday is a non-working day for me.

From: Andrew Hughes <Ahughes@2t2t.co.Uk>
Sent: 25 March 2026 09:01
To: Edge, Alex <Alex.Edge@wiltshire.gov.uk>; bds-calne@outlook.com
Subject: Fw: 74 eastern avenue other masts

Pete has just sent me a copy of the doc that was uploaded.

Attached

Andy

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APPENDIX 2

Email correspondence with appellant regarding temporary closure of enforcement
investigation

Edge, Alex

From: Meakin, Sophie
Sent: 15 January 2026 14:43
To: 'ahughes@2t2t.co.uk'
Subject: Wiltshire Council Planning Enforcement - ENF/2025/00976

Dear Mr Hughes,

In relation to the above planning enforcement reference regarding 74 Eastern Avenue, Chippenham, SN15 3LW, we confirm that a planning application has been received by the Council and registered under Development Management reference PL/2025/09769. The application has been allocated to a planning officer for assessment in accordance with current planning policies.

In light of this, the enforcement case will be closed, and further enforcement action will be held in abeyance pending the outcome of the application. Should the application be refused, the Council will review the matter and consider appropriate next steps at that time.

Thank you for your co-operation.

Kind regards

Sophie Meakin
Planning Enforcement Officer

Development Management



Tel: 0300 456 0114

Direct Tel: 01225 713105

Email: sophie.meakin@wiltshire.gov.uk

Web: www.wiltshire.gov.uk

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The views expressed in this email represent an officer's opinion only, and without prejudice, and are not binding on any future decisions made by elected members of the Council or under powers delegated to officers

APPENDIX 3

Application [PL/2021/03418](#) / appeal APP/Y3940/W/21/3289937 – Decision Notice, Plans
and Images



The Planning Inspectorate

3/C Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5300
Customer Services:
0303 444 5000

Email: west2@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref:

Our Ref: APP/Y3940/W/21/3289937

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

26 September 2022

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Mr Robert Coleman
Site Address: 2 Chestnut Nepaul Road, TIDWORTH, SP9 7EU

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Nadia Hussain

Nadia Hussain

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 20 September 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 26 September 2022

Appeal Ref: APP/Y3940/W/21/3289937

2 Chestnut Nepaul Road, Tidworth SP9 7EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Coleman against the decision of Wiltshire Council.
 - The application Ref PL/2021/03418, dated 5 May 2021, was refused by notice dated 9 July 2021.
 - The development proposed is the installation of an 11m retractable antenna support system (mast) and three antennas.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more succinctly describes the proposal.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

5. The appeal property is a modern detached dwelling which sits to the rear of a small terrace of dwellings along Nepaul Road. The property benefits from a separate detached garage to its south, and backs on to houses along Merrington Way to the east. The locality is distinctly residential in character, and is predominantly made up of two storey dwellings. This means the surrounding roofscape is broadly consistent in height.
6. The proposal would be sited in the rear garden to the appeal property, adjacent to the northern flank elevation of the garage. When the mast is retracted, its height would be roughly 3.4m. In this position, it would integrate reasonably

well within the context of the surrounding roofscape, which is punctuated by domestic aerals and satellite equipment.

7. Unfortunately, the impact would be materially different when the mast and associated antenna equipment are in operation, when its height would significantly increase (extending upwards to approximately 11m). At this height, the apparatus would sit significantly taller than the garage, protruding well above the roofscape of properties along the road. As a result, it would appear very prominent in the surrounding street scene.
8. When operative, some of the proposed antenna equipment affixed to the top of the mast would extend outwards. In this position, the mast would take on a distinctly industrial appearance, which would appear stark and alien in the residential context of the surrounding area. Due to the prominence of the mast, this juxtaposition with the prevailing residential nature of the area would be keenly felt throughout the surrounding streets, which would be visually disruptive to the area's character.
9. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policy 57 of the Wiltshire Core Strategy (2015), which requires new development to respond positively to the townscape, through high quality design which is sympathetic to its immediate setting in terms of height, mass and scale. The development would also conflict with the overarching design objectives of the Framework.

Living Conditions

10. In terms of neighbouring properties, the mast would be readily visible from the garden of 1 Chestnut Nepaul Road, as well as internally from rooms along its frontage. Given the close proximity between the two, the substantial height and industrial appearance of the mast and associated antenna equipment would have an overbearing impact on the property, which would be harmful to the living conditions of its occupiers. This impact would also be felt within the rear gardens of dwellings along Nepaul Road to the west, and Merrington Way to the east, albeit to a lesser degree, given the greater levels of separation between the appeal dwelling and these properties.
11. For these reasons, the development would harm the living conditions of neighbouring occupiers. As above, it would conflict with Policy 57 of the Council's Core Strategy, which seeks to ensure new development safeguards an appropriate level of amenity for neighbouring occupiers. It would also conflict with the overarching amenity principles of the Framework.

Other Matters

12. I recognise the contribution that amateur radio can make to community life, particularly in terms of emergency communications. I also appreciate that the equipment is important to the appellant's wellbeing. Unfortunately, in this instance, these benefits would not be sufficient to outweigh the harm identified to the character and appearance of the area, nor to the living conditions of neighbouring occupiers.
13. Whilst it is alleged that the development has become lawful through the effluxion of time, any such lawful use would need to be established through a Lawful Development Certificate, which is separate and distinct from the planning application process.

14. I do acknowledge the examples of other radio masts within the area. However, there is no evidence before me to demonstrate that these examples are lawful. In any event, each application must be determined on its own merits, and these examples do not override nor justify the harm arising from the development.

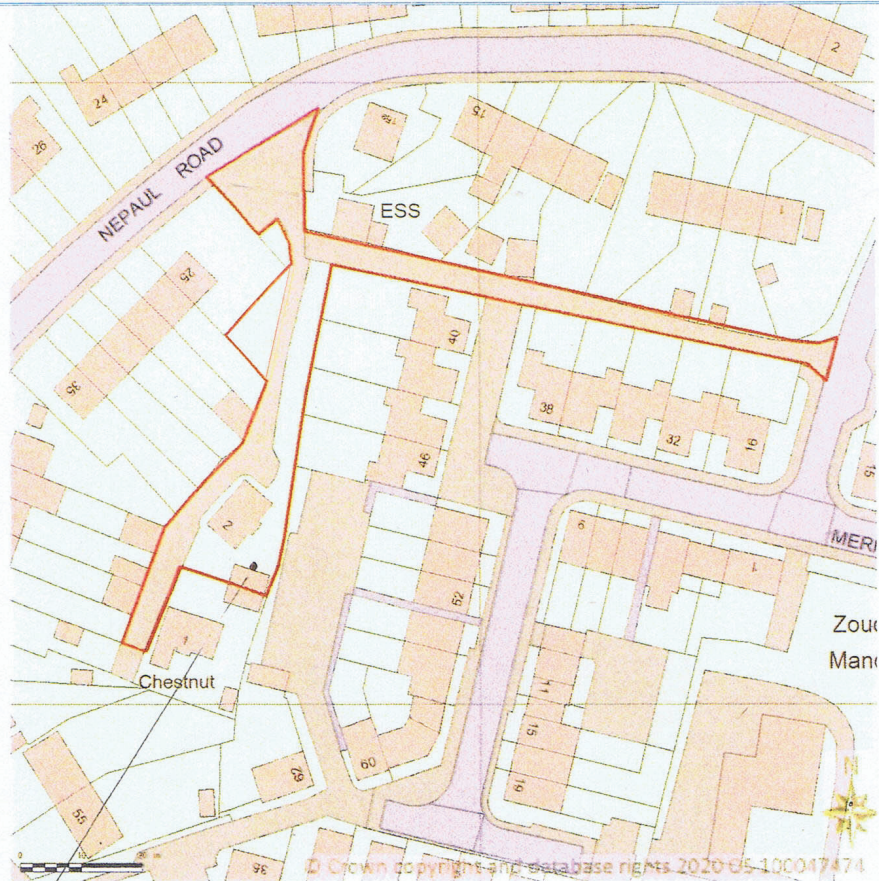
Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR

SITE LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 423294, 149242

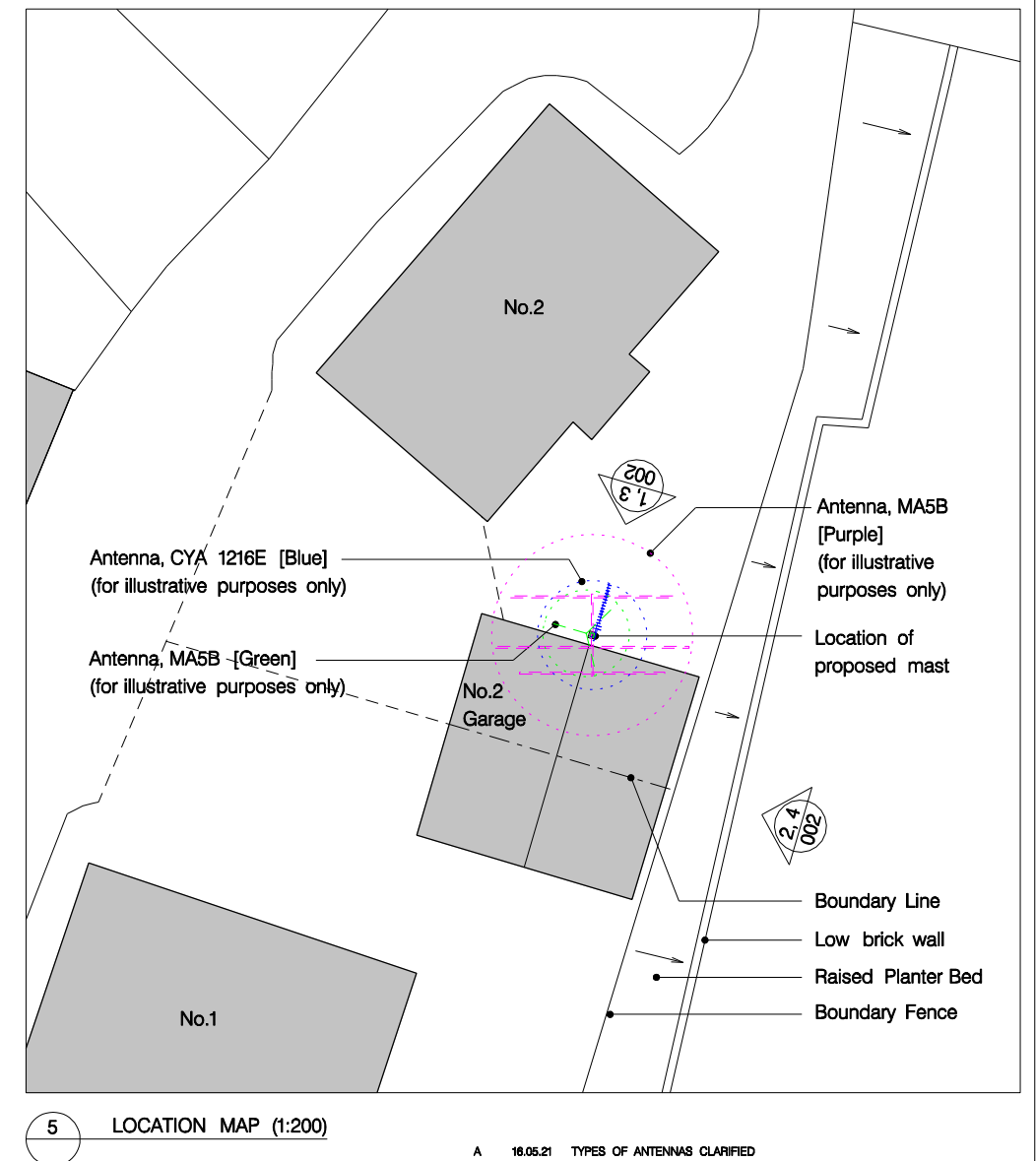
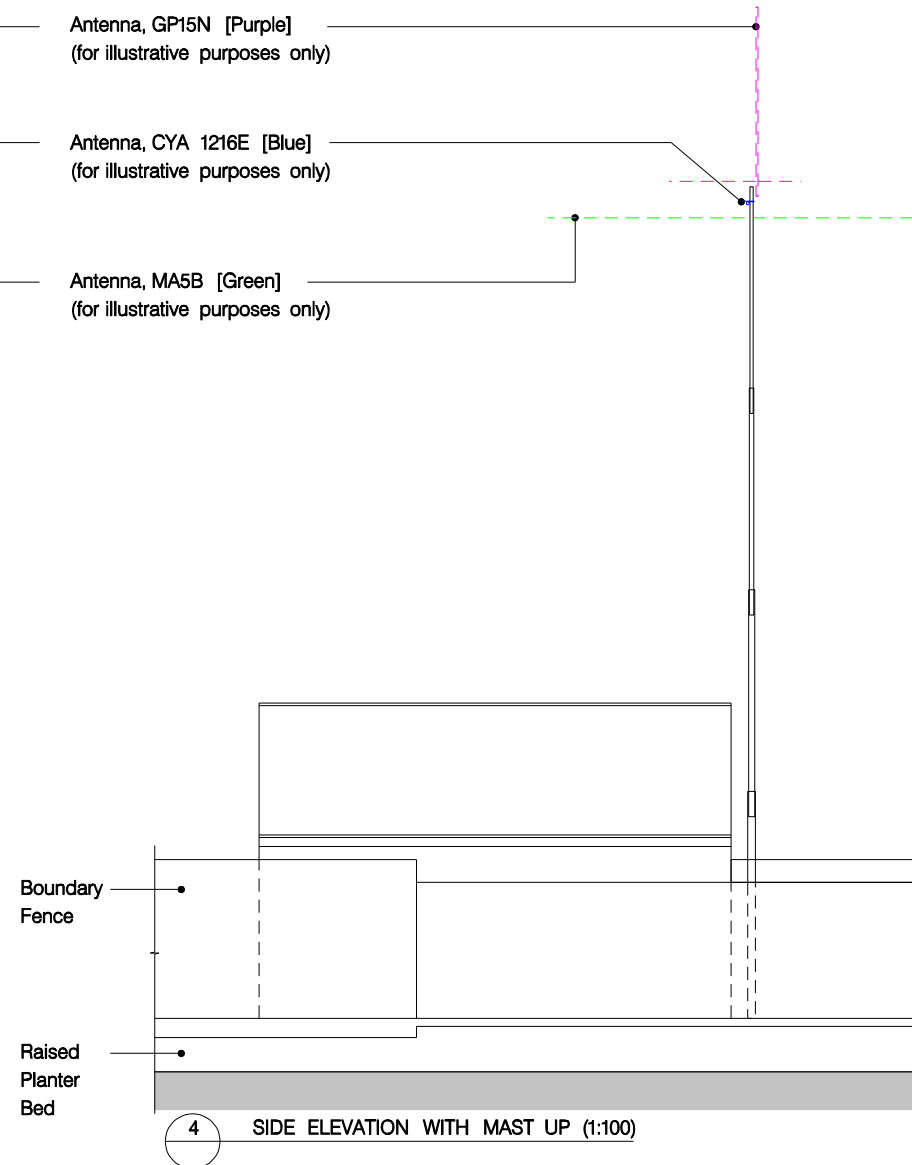
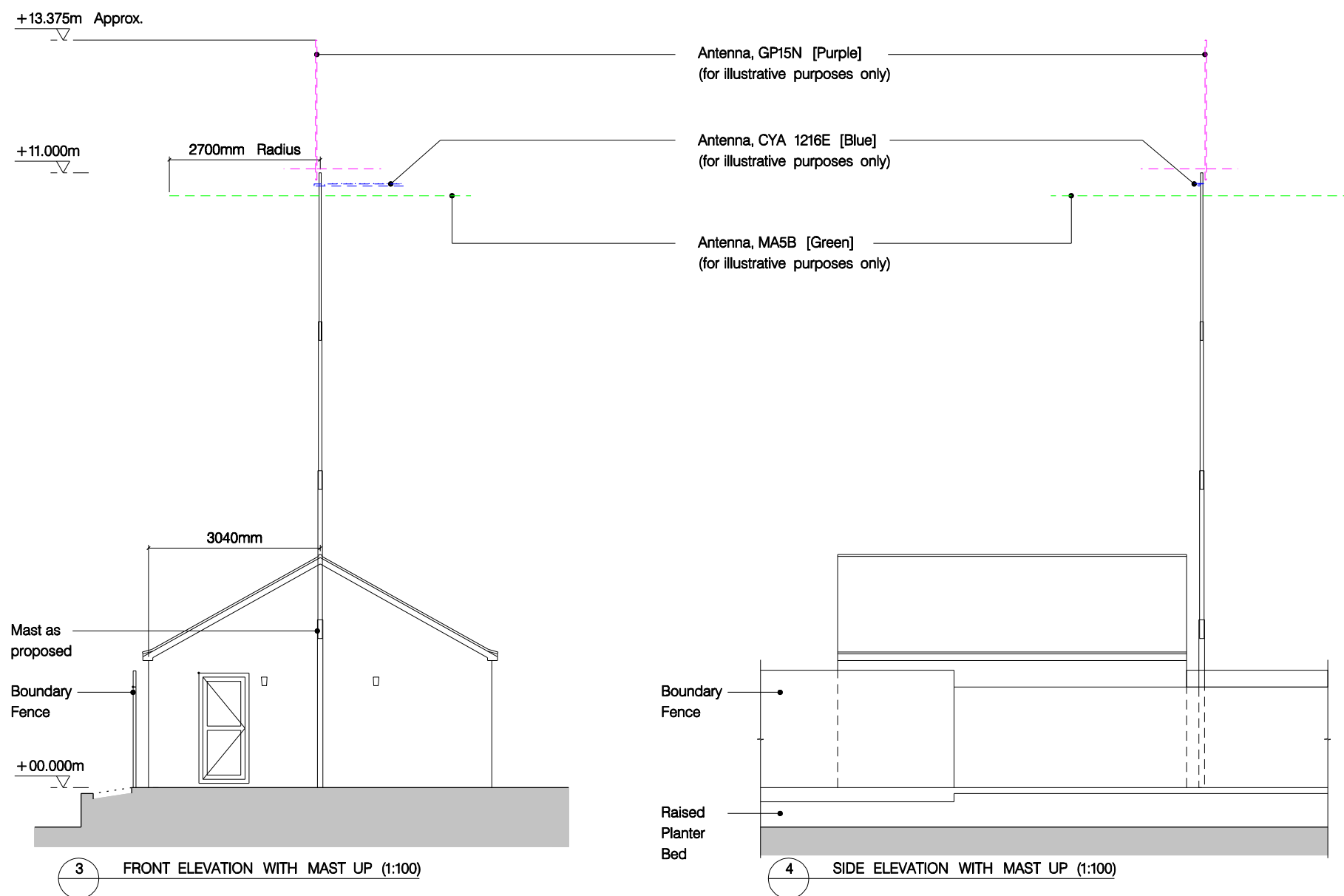
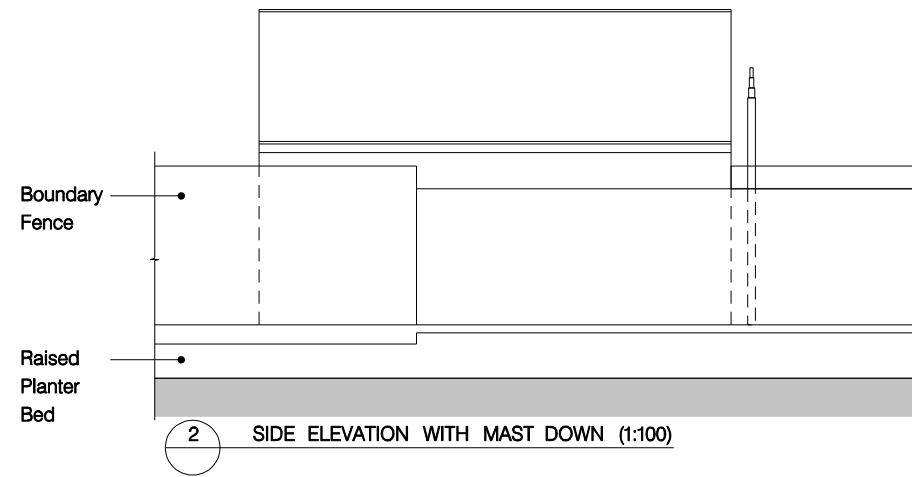
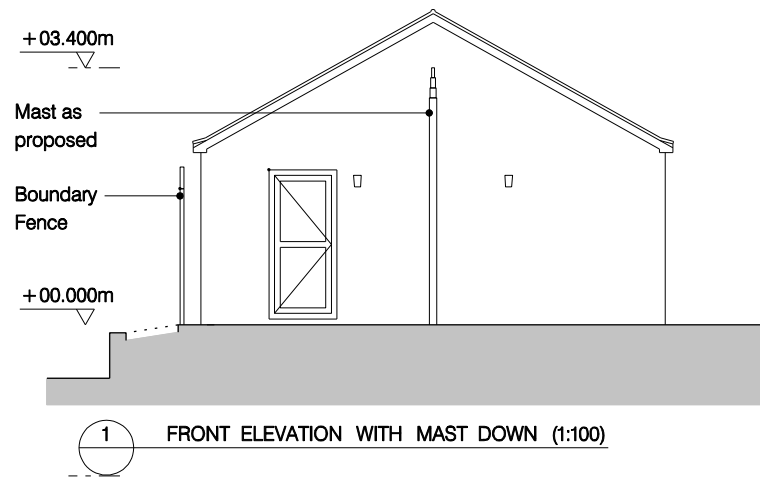


Supplied by Streetwise Maps Ltd
www.streetwise.net
Licence No: 100047474
02/11/2020 08:32

Position of the Antenna support System (MAST)
Fully contained in-situ and on my land and
will not overhang any other person's property. *[Signature]*
15-3-21

NOTES:

1. No dimension to be scaled from drawings.
2. All dimensions to be verified by the contractor before work is commenced.
3. The Contract Administrator to be notified immediately of any discrepancies.
4. All shop drawings to be approved by the Contract Administrator before work commences.
5. All details to be in accordance with the relevant British Standard; manufacturer's recommendations & specification.
6. This drawing is copyright reserved and is not to be copied, reproduced, retained or disclosed to any unauthorised person either wholly or in part without the specific consent in writing of the owner.
7. These drawings are approximate (pending a full laser survey).
8. These drawings are not to be used for any legal, land registry or party wall matters.



A 16.05.21 TYPES OF ANTENNAS CLARIFIED		
REV	DATE	DESCRIPTION

FOR PLANNING APPROVAL PURPOSES ONLY

JOB	2 CHESTNUT, NEPAUL ROAD		DRAWN		JOB NO	331	
	TITLE	LOCATION PLAN & ELEVATIONS: AS PROPOSED	CHECK				
			DATE	04.05.21	DWG	002	
		SCALE	1:100@A3 1:50@A1				
					REV	A	
CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE DO NOT SCALE					DATE	16.05.21	

CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE DO NOT SCALE





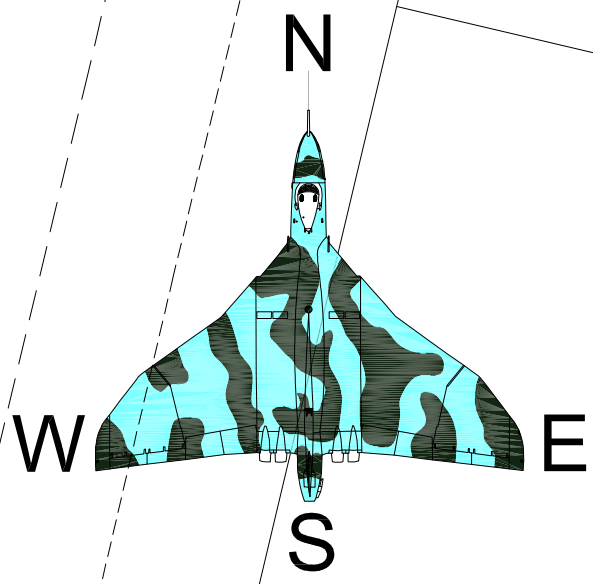
Fig.1 View toward existing mast from within the site



Fig.2 View toward existing mast from Car Park located at rear of Merrington Way

APPENDIX 4

Proposed Block Plan and the original and revised Proposed Elevations annotated with inaccuracies



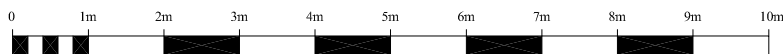
Antennas 1,2 and 3:
The siting and spread of the antennas, particularly antenna 3, is not accurately shown.

Single Wire
Single Wire

EASTERN AVENUE

Key

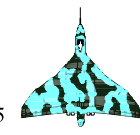
AV	Air Valve	RS	Road Sign	Bank	-----
BL	Bollard	SC	Stop Cock	Building	=====
BM	Bench Mark	Str	Strainer	Kerb	=====
BP	Boundary Point	SV	Stop Valve	Foliage	~~~~~
BT	British Telecom Cover	TL	Threshold Level	Hedge	=====
CATV	Cable Television Cover	TP	Telephone Pole	Pipe	=====
CL	Cover Level	WM	Water Meter	Verge	=====
EP	Electric Power Pole	WO	Wash Out	Wall	=====
EV	Eave Level	UTL	Unable To Lift	Track	=====
FH	Fire Hydrant	Fence Descriptions			
FL	Floor Level	B/W	Barbed Wire	Fence	=====
FP	Fence Post	C/B	Close Board	Telephone	=====
G	Gully	C/I	Corrugated Iron	Electric	=====
GP	Gate Post	C/L	Chain Link	Water line	=====
GV	Gas Valve	C/P	Chestnut Paling		
IC	Inspection Chamber	C/W	Chicken Wire	Spread/Trunk Dia/Height	=====
IL	Invert Level	I/R	Iron Railings	Manhole	=====
KO	Kerb Outlet	P/R	Post & Rail		=====
LC	Basement Light	P/W	Post & Wire	SWS	=====
LP	Lamp Post		Rock Face	FWS	=====
M	Meter				
MH	Manhole Cover				
MK	Marker				
MS	Milestone				
RG	Ridge Level				



Scale 1 : 100 @ A1

32 Years
BDS

Celebrating 31 Years 1993-2025



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The Studio . Milestone Cottage . 61 London Road . Calne
Wiltshire, SN11 0AA. Tel/Fax (01249) 816026
Email bds@pobox.com Mobile 07740 335693

Project Name:
74 Eastern Avenue
Monkton Park Chippenham SN15 3LW

Drawing Title:
Amateur Radio Antenna Installation
Proposed Block Plan

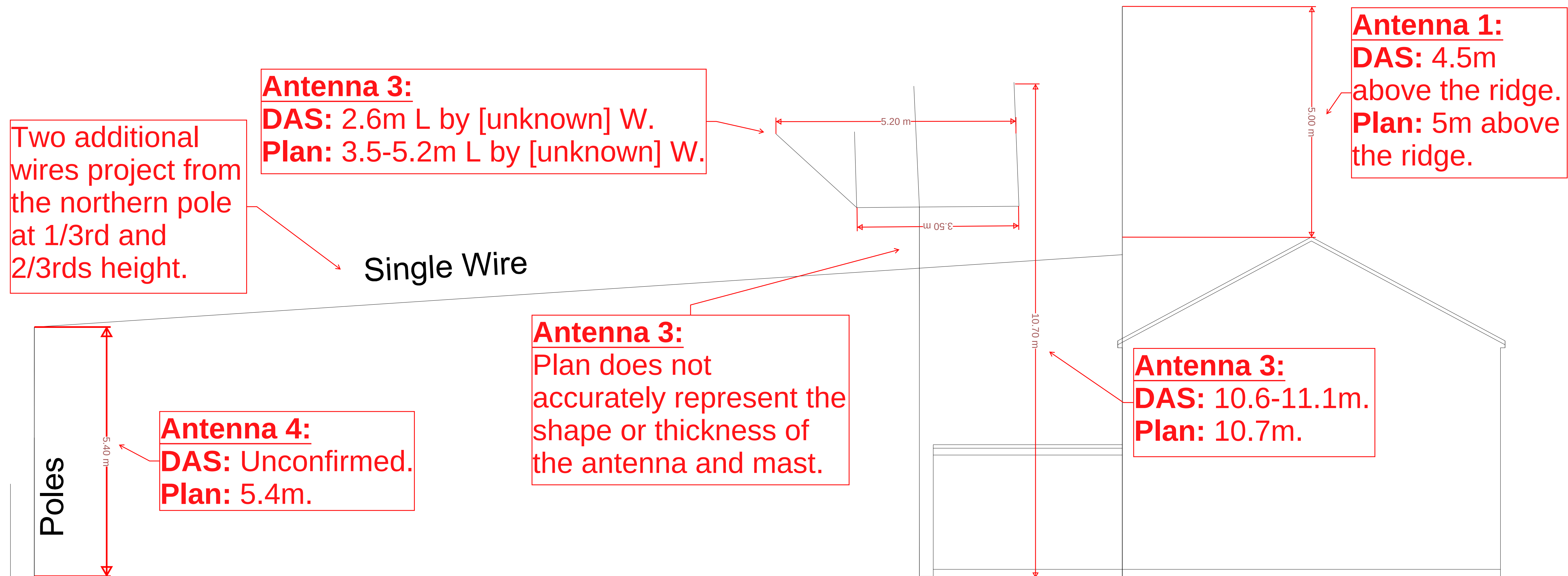
Client:
Mr Andrew Hughes

Date:	Scale:
December 2025	1:100 @ A1

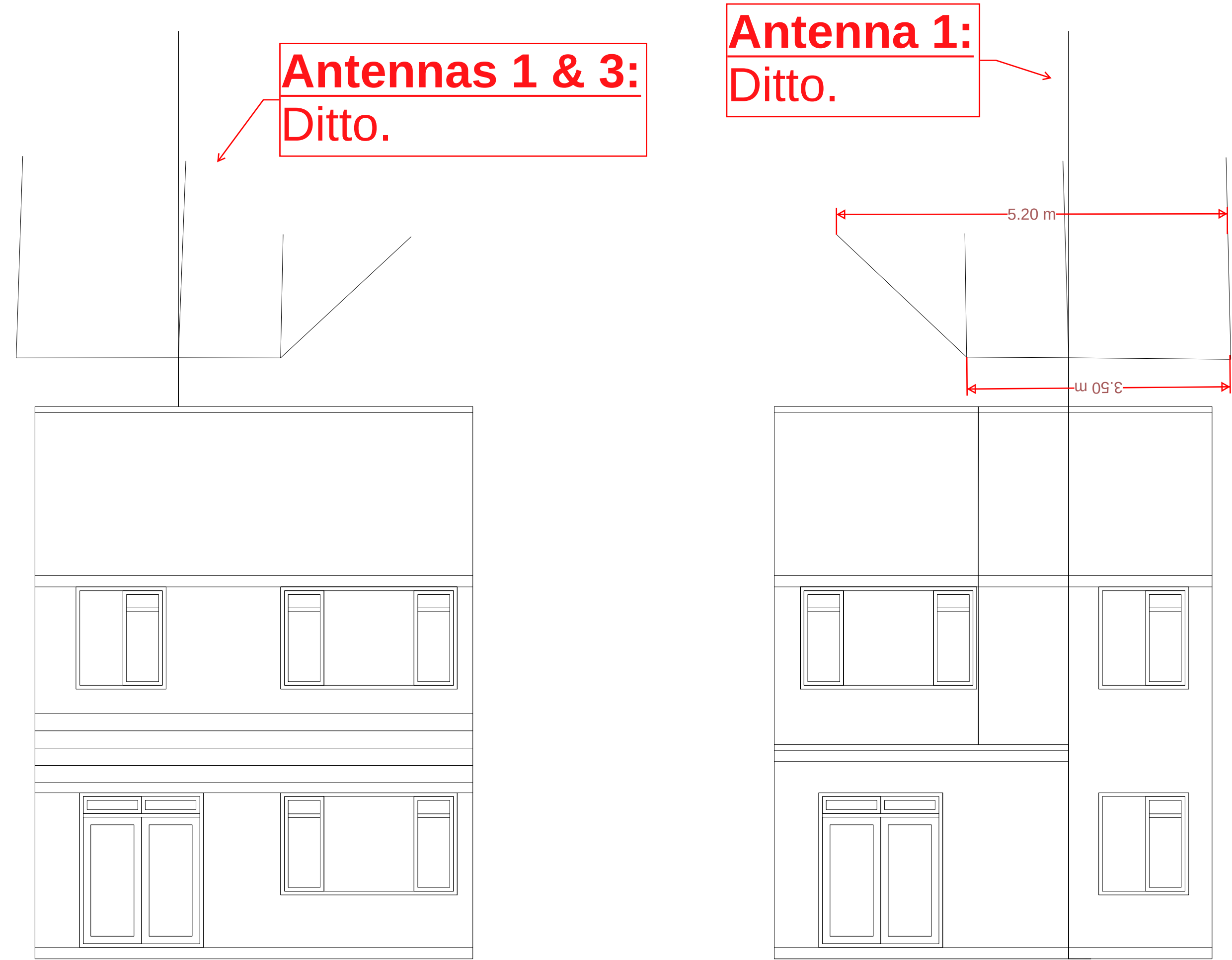
Drawn	Checked	Dwg No	Rev
P.J-S		BDS-12-25-03	

Notes:
Survey Grid based on OS
Levels based on OSGM-15
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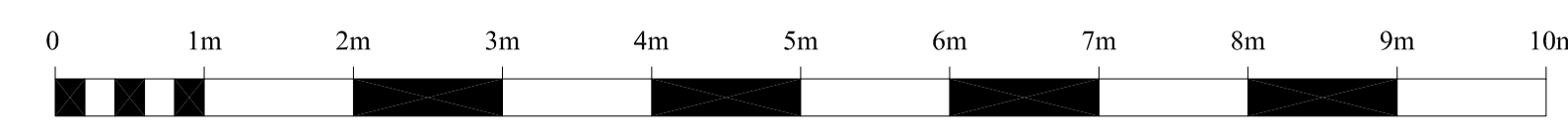


South Western Elevation



South Eastern Elevation

North Western Elevation



Scale 1 : 50

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Project Name:
74 Eastern Avenue
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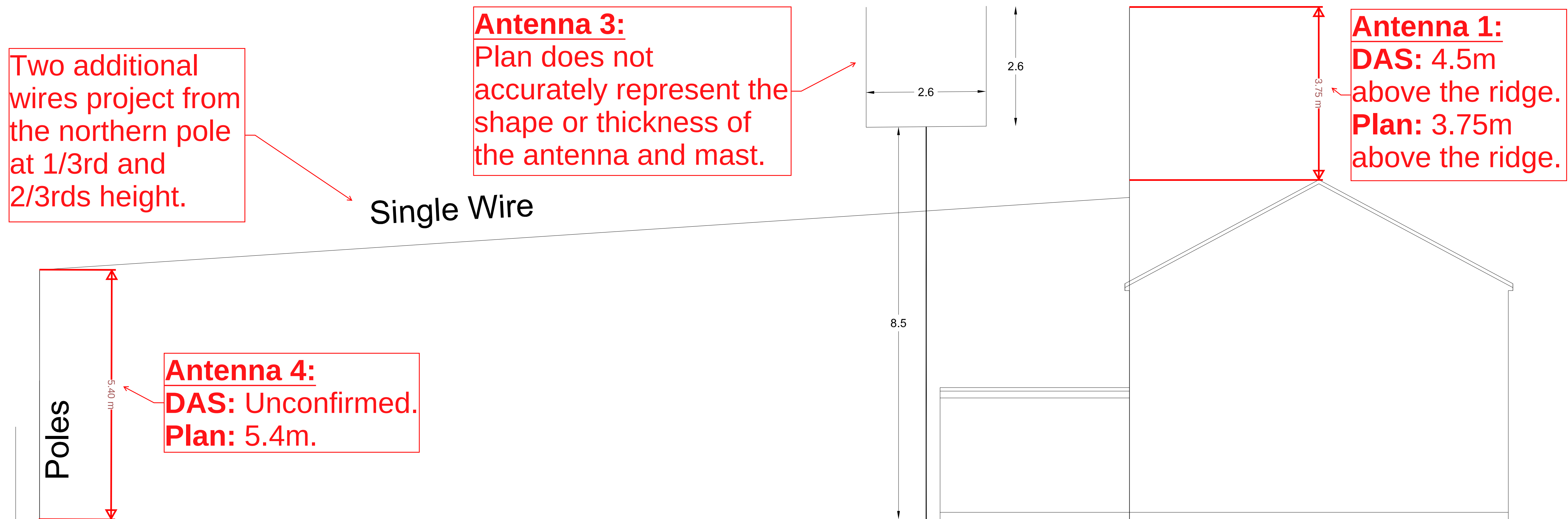
Drawing Title:
Amateur Radio Antenna Installation
Proposed Elevations

Client:
Mr Andrew Hughes

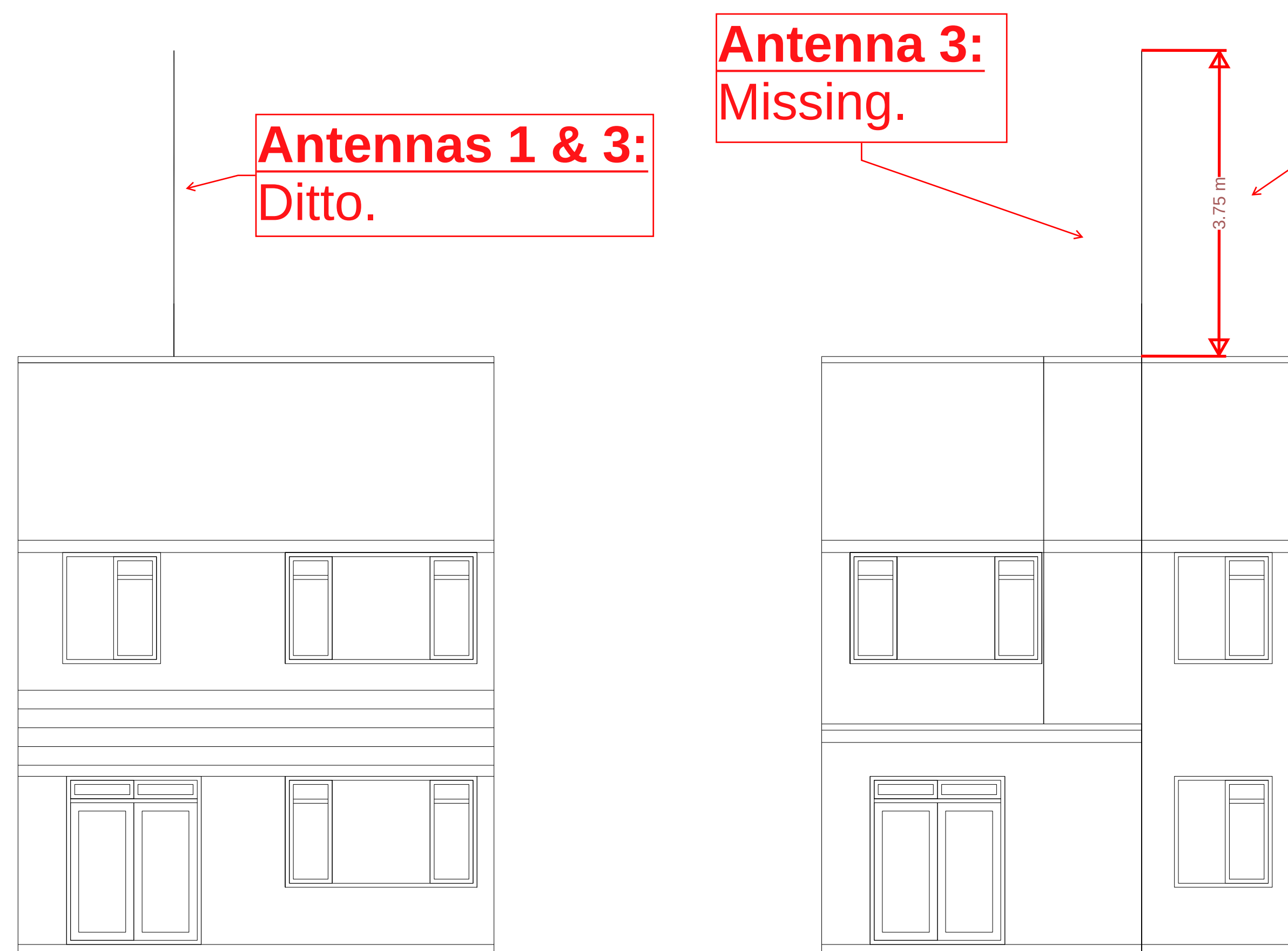
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Drawn P.J-S	Checked	Dwg No BDS-12-25-04	Rev
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Levels based on OSGM-15
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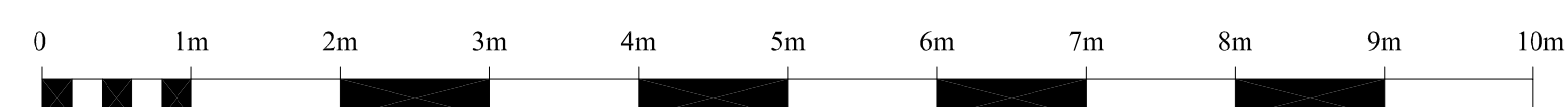


South Western Elevation



South Eastern Elevation

North Western Elevation



Scale 1 : 50

32 Years
BDS
Celebrating 31 Years 1993-2025

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Date: December 2025	Scale: 1:50 @ A1
Drawn P.J-S	Checked BDS-12-25-04
Dwg No BDS-12-25-04	Rev

Notes:
Survey Grid based on OS
Levels based on OSGM-15
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32 YEARS
1993-2025

Wdh
Member

APPENDIX 5

Suggested planning conditions

Without prejudice, should the Inspector be minded to allow the appeal, the Council requests that the following conditions be imposed to ensure the development is acceptable in planning terms and in accordance with NPPF paragraph 57 and relevant PPG advice on the use of planning conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- [insert approved documents list – PINS to advise in light of plan inaccuracies]

REASON: For the avoidance of doubt and in the interests of proper planning. In addition, this condition is necessary in order to ensure that no further unauthorised changes are made without planning permission, including the installation or substitution of different antennas specified in section 8. *Request for Variation of Permission – Antenna Interchangeability* of the Design and Access Statement.

2. The antennas hereby approved shall only be operated between the hours of 08:00 and 20:00 on Saturdays and Sundays. Outside of these hours, the antenna shall remain in a fully retracted and non-operational position.

Notwithstanding the above, operation outside these hours shall be permitted in the event of a bona fide emergency or emergency exercise requiring the involvement of the Radio Amateurs' Emergency Network (RAYNET).

REASON: Interests of visual amenity pursuant to Wiltshire Core Strategy Core Policy 57 and NPPF section 12.

3. When in use, the antennas shall not exceed the following heights:

- Antenna 1: 9m from ground level (1.6m above roofline)
- Antenna 2: 7.5m from ground level (0.1m above roofline)
- Antenna 3: 9m from ground level (1.6m above roofline)
- Antenna 4: 5.4m from ground level

REASON: Interests of visual amenity pursuant to Wiltshire Core Strategy Core Policy 57 and NPPF section 12.

4. The antennas hereby approved shall be painted sky grey within two months of this permission and must be maintained in the same colour thereafter.

REASON: Interests of visual amenity pursuant to Wiltshire Core Strategy Core Policy 57 and NPPF section 12.

5. When the use of any of the antennas, be it individually or cumulatively, ceases, they shall be removed in their entirety with all associated paraphernalia, within two months of their substantive cessation and the site shall be restored to its former condition.

REASON: To prevent the proliferation of redundant apparatus in the interests of visual amenity pursuant to Wiltshire Core Strategy Core Policy 57 and NPPF section 12.