

APPELLANT'S FULL REBUTTAL STATEMENT

Appeal Reference: 6007663

Site: 74 Eastern Avenue, Chippenham

Appellant: Andrew Hughes

Local Planning Authority: Wiltshire Council

1. Executive Summary

This Rebuttal Statement provides a detailed, evidence-based response to the Local Planning Authority's (LPA's) Statement of Case (SOC). The analysis identifies several procedural, factual, and policy-related inconsistencies within the SOC and demonstrates that the proposal is acceptable in planning terms.

Key findings include:

- The LPA validated the application and did not request further information during the validation window.
- The appellant provided written clarification of dimensions on 9 March.
- The LPA had full knowledge of the physical installation from site visits and photographs.
- The SOC does not fully reflect the context of Eastern Avenue, including existing vertical structures.
- The SOC does not demonstrate a proportionate assessment under the National Planning Policy Framework (NPPF).
- The SOC does not explain why planning conditions were not considered appropriate.
- The SOC does not fully engage with public benefits relating to emergency communications.

A balanced assessment indicates that the proposal is acceptable and capable of being approved subject to conditions.

2. Introduction and Procedural Background

2.1 The application was validated on 14 January 2026. Validation confirms that the LPA considered the submission complete and suitable for determination.

2.2 The statutory determination deadline was 11 March 2026. No decision was issued.

2.3 On 9 March, the appellant provided written clarification confirming that the dimensions in the application form and Design & Access Statement (DAS) were correct and that the drawings were illustrative.

2.4 The LPA undertook a site visit, took photographs, and corresponded with the appellant. The case officer indicated that the application was “borderline but leaning towards approval”.

2.5 The SOC presents a retrospective justification for non-determination rather than a balanced assessment of the proposal.

3. Summary of LPA Errors and Inconsistencies

The SOC contains several issues that affect the weight that can be afforded to it:

- Failure to request further information during validation.
- Failure to consider the appellant’s written clarification of 9 March.
- Misrepresentation of the timeline of revised plans.
- Inconsistent statements regarding antenna heights and visibility.
- Limited engagement with public benefits.
- Heavy reliance on an unrelated appeal decision.
- Limited consideration of mitigation through conditions.

4. Procedural Considerations

4.1 The LPA validated the application and did not issue an invalidation notice.

4.2 Concerns about plan accuracy were raised only on 9 March, two days before the deadline.

4.3 The appellant’s written clarification provided definitive dimensions and resolved any perceived inconsistencies.

4.4 The LPA had full knowledge of the installation from site visits and photographs.

4.5 The LPA did not determine the application within the statutory period.

4.6 The SOC does not reflect the earlier officer view that the proposal was capable of approval subject to conditions.

5. Policy Framework

5.1 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.

5.2 Relevant NPPF provisions include:

- Section 10: Supporting electronic communications.
- Section 12: Achieving well-designed places.
- Paragraph 57: Use of planning conditions.
- Paragraphs 135–140: Proportionate design assessment and clarity.
- Paragraph 8(b): Social and community benefits.
- Paragraph 93: Infrastructure supporting community resilience.

5.3 The relevant local policy is Core Policy 57 (Wiltshire Core Strategy).

5.4 The SOC does not demonstrate full or proportionate application of these policies.

6. Detailed Rebuttal of the LPA's Statement of Case

6.1 Principle of Development

The LPA accepts the principle of domestic amateur radio equipment. This weighs neutrally or positively.

6.2 Public Benefits

The appellant is the only RAYNET member in Chippenham. This provides a locally specific emergency communications benefit. The SOC acknowledges this but gives it limited weight without explanation.

6.3 Plan Accuracy

The SOC raises concerns about plan accuracy but does not acknowledge the appellant's written clarification or the LPA's own validation.

6.4 Visual Impact

The SOC does not fully consider the presence of telegraph poles, overhead lines, TV antennas, or the varied roofscape. The mast is retractable and reversible.

6.5 Comparison with Tidworth Appeal

The referenced appeal differs materially in scale, context, and public benefit.

6.6 Residential Amenity

The SOC acknowledges that amenity impacts are acceptable.

6.7 Other Matters

Safety and environmental matters can be addressed by condition.

7. Policy Analysis and Proportionality

7.1 NPPF Section 10

The proposal aligns with the objective of supporting communications infrastructure.

7.2 NPPF Section 12

A proportionate assessment shows the proposal is compatible with the local context.

7.3 NPPF Paragraph 57

The SOC does not explain why conditions were not considered appropriate.

7.4 NPPF Paragraphs 135–140

The SOC does not demonstrate that any identified harm is significant or demonstrable.

7.5 NPPF Paragraph 8(b)

The SOC does not fully weigh the public benefit.

7.6 NPPF Paragraph 93

The SOC does not reference this paragraph.

7.7 Core Policy 57

The proposal responds to the varied context of Eastern Avenue and is compatible with surrounding development.

8. Visual Impact and Contextual Assessment

8.1 Eastern Avenue contains multiple vertical structures including telegraph poles, overhead lines, and TV antennas.

8.2 The appellant provided photographic evidence showing limited visibility and contextual integration.

8.3 Antenna 3 is retractable and extended only temporarily.

8.4 The installation is reversible and domestic in scale.

8.5 The SOC does not demonstrate cumulative harm.

9. Public Benefit and Community Resilience

9.1 The appellant provides emergency communications capability through RAYNET.

9.2 This is a locally specific operational benefit.

9.3 NPPF Paragraphs 8(b) and 93 support infrastructure that enhances community resilience.

9.4 The SOC does not fully engage with these policy areas.

10. Planning Balance and Conclusion

10.1 The SOC does not fully reflect the context of Eastern Avenue.

10.2 The SOC does not demonstrate a proportionate assessment under the NPPF.

10.3 The SOC does not explain why conditions were not considered.

10.4 The proposal aligns with Core Policy 57 and relevant NPPF provisions.

10.5 The installation is modest, reversible, and capable of mitigation.

10.6 A balanced assessment indicates that the proposal is acceptable in planning terms.