

All planning is regulated by Central Government planning policies imposed on local Planning Authorities.
Below are examples taken from the guidance policies.

PLANNING POLICIES REGARDING RADIO MASTS

Planning Policy Guidance No. 8 (PPG8)
which came into effect on 22nd August 2001 and replaces previous legislation.

PPG8 gives guidance on planning for telecommunications development – including radio masts and towers, antennas of all kinds, radio equipment housing, public call boxes, cabinets, poles and overhead wires. The update relates to height and location. When judging applications and there are varying views ‘case law’ is referred to. (*de minimis* basically translates as ‘of minimal size’.)

Section 31. Radio is also used for hobby and leisure purposes. Many UK industry participants have learnt about radio through being licensed amateurs, and the Government encourages this interest. Amateurs have to pass examinations to be licensed to operate, but may then install fixed antenna subject to planning rules. Because many want to use low short-wave frequencies, these need long wire type antennae.

Amateur radio aerials, legal background section 28.31.

Permitted development rights (28.311).

Aerials which are operational development may benefit from permitted development provisions of Part 1 E of Schedule 2 (incidental to the enjoyment of the dwelling house) but are subject to the normal qualifications relating to height and location. To qualify a mast (of any kind) including antenna must not exceed 3 metres in height, (or 2.5m if within 2 metres of a boundary) and must not be sited forward of a wall forming the principal elevation of the original dwelling house. In practice this means that most fixed amateur radio masts at a persons’ home requires consent. If an aerial such as a vertical pole is attached to a window or guttering, it may be considered *de minimis* provided that the tip of the aerial is lower than the roof ridge and therefore should not require planning consent. This could also apply to a vertical pole aerial that is no larger than a TV aerial when attached to a chimney (case law Bromsgrove 16/3/99). However it would be advisable to obtain a letter from the Planning Department stating that *de minimis* is accepted.

Location

The visual amenity and street scenes are taken into account in determining whether a planning application is acceptable or not so care needs to be taken when deciding where to site the mast/antenna. For example a slender mast may be judged less intrusive than others and masts seen against the background of trees also have an advantage in mitigating visual impact (case law Ceredigion 12/5/89).

If it can be proved that a mast / antenna has been in one position for 4 years or more then an application for Retrospective Planning Consent can be sought. Proof of this can be from neighbours testimony, but also log books can be used (case law Ellesmere Port on 7/12/88).

Interference (28.331).

Amateur radio operators are licensed and are required by legislation to avoid creating undue interference with other electrical equipment. Ministerial advice is contained in PPG8 para 102 and annex 2 making it clear that in most situations questions of radio interference are not relevant to the determination of planning applications for radio masts. Other controls should be assumed to deal with interference problems and a condition could be imposed which requires an independent agency to test the equipment and for a remedy to be found (case law Carmarthen 13.1.93).

A word of caution as to what you write or say. One radio amateur informed the Inspector at his appeal that he had been able to speak to Australia with his mast at its lowest position. The Inspector allowed the appeal but imposed the condition that the mast had to remain at its lowest position (case law Kingston-upon-Thames 2/2/90).

I hope this is helpful.

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(and BDC Planning Committee member for the past 20 years.)