
Appeal Decision

Site visit made on 13 September 2016

by Diane Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 October 2016

Appeal Ref: APP/G5750/C/16/3148043
819 Romford Road, London E12 6EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Piyara Singh against an enforcement notice issued by the Council of the London Borough of Newham.
 - The enforcement notice was issued on 18 March 2016
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of six satellite dishes.
 - The requirements of the notice are Step 1. Remove the satellite dishes (as shown edged yellow on the photograph attached at Appendix 1 to the notice). Step 2. Remove from the site all debris arising from compliance with Step 1.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Procedural Matter

2. The Council's Statement of Case refers to the appeal site being within a conservation area (CA); however the Council's response to the questionnaire makes no mention of this. Furthermore the notice appears to make no mention of this either in the reasons for service. I have therefore made my decision on the basis that the site does not lie within a CA.

The ground (c) appeal

3. Under a ground (c) appeal the onus of proof is on the appellant to show that there has not been a breach of planning control. In this case the appellant briefly asserts that Sky dishes are allowed to be erected without planning permission. He does not include any published material from either Sky or any other source to support his statement.
 4. The ground of appeal falls to be considered against the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). Class A, Part 16 of Schedule 2 permits the installation, alteration or replacement of any electronic communications apparatus. This, though, is subject to a number of criteria including limits on the number of dish antennae on the property overall. No reference is made within the legislation to there being any exemption from control by any particular service providers.
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5. At the time when the notice was served there were six small, dish antennae displayed at first and second floor level on this three storey, pitched roof building in mixed use. At my site visit I saw that three of them had been removed and a fourth had been replaced with another of a different style. However it is in relation to the display of the six antennae from when the notice was served that is the appeal before me now.
6. Class A.1(10) of Part 16 sets out that the installation of small antennae on a building is not permitted where the building is less than 15m in height and the development would result in more than one such antenna on that building. This is in relation to buildings which are not dwelling houses.
7. The appeal building, which is not a dwelling house, is Victorian in appearance and the Council have concluded that it is less than 15m in height. The appellant does not disagree and given its traditional three storey construction I have not seen anything in the submissions to conclude otherwise. In which case the appellant's multiple installation of small antennae fails the limitation set out in the GPDO relating to the number of antennae that may be installed.
8. I therefore conclude that the installation of six antennae is not permitted development as set out in Schedule 2, Part 16, Class A of the GPDO. The display, as was, constitutes a breach of planning control and the appeal on ground (c) therefore fails.

Conclusion

9. For the reasons given above I consider that the appeal should not succeed.

D Fleming

INSPECTOR