



Appeal Decision

Site visit made on 8 March 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/Y0435/W/22/3305271

Shirwell Crescent, Milton Keynes MK4 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by CK Hutchison Networks (UK) Ltd against the decision of Milton Keynes Council.
 - The application Ref 22/01388/PRIOR, dated 26 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is installation of H3G Phase 8 high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Paragraph A.3. (1) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) requires the developer, before making an application for prior approval to the local planning authority, to give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates.
3. As part of the appeal, the appellant has provided a copy of the notice given to Milton Keynes Council Planning Services and Highways Department as an owner of the land to which the development relates. However, the letter providing notice is dated 27 May 2022 and, although the evidence before me shows the application for prior approval to have been received and validated by the Council on 27 May 2022, this is only a screenshot from the Council's website and not any documentary evidence as such. The application form is dated 26 May 2022, as stated in the banner heading above. This is also confirmed as the date of the application on the appeal form.
4. The proposal would, therefore, not comply with paragraph A.3. (1) of Schedule 2, Part 16, Class A of the GPDO. Subsequently, there is no scope for the proposed development to be permitted under Schedule 2, Part 16, Class A of the GPDO and I am unable to grant prior approval.

Conclusion

5. The appeal is therefore dismissed.

Hannah Guest INSPECTOR