



Appeal Decision

by Ken McEntee

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 16 October 2024

Appeal ref: APP/Z0116/C/24/3345155

Land at South Bristol Retail Park, Wedlock Way, Bristol, BS3 2LQ

- 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 brought by MBNL (EE(UK) LTD AND H3H (UK) LTD) against an enforcement notice issued by Bristol City Council.
- The notice was issued on 24 April 2024.
- The breach of planning control as alleged in the notice is: "Without the grant of planning permission - the installation of a telecommunications base station (consisting of 1No. 30-metre-high telecommunications lattice tower accommodating 6no antennas, 1no 300mm transmission dish, 7no ground-based equipment cabinets, within a secure, fenced compound, plus ancillary development thereto)".
- The requirement of the notice is: "Remove all of the installation in its entirety and remove all materials from the land".
- The time period for compliance with the notice is: "Two months after this notice takes effect".
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld without variation.

Reasons for the decision

1. The main basis of the appellants' case is that a permanent alternative site has been found for the unauthorised development and construction on the site has been completed. The only outstanding matter to complete is the integration into the existing mobile network. The appellants therefore request that the period for compliance with the requirement of the notice be extended to 8 months to allow for this to happen prior to the decommissioning from the current temporary site. While I note the appellants' reasons for this request, I am also mindful that nearly 5 months have elapsed since the appeal was submitted with enforcement action effectively suspended. As the compliance period will begin again from the date of this decision, the appellants will effectively have had some 7 months in which to integrate the installation on the new permanent site and to remove the unauthorised installation from the appeal site, which is just 1 month short of that requested. I consider this period to be more than reasonable and am not satisfied there is good reason to justify extending the compliance period further.
2. However, should the appellants experience any genuine difficulties, it is open to them to submit a request to the Council to use their powers under section 173A(1)(b) of the 1990 Act to extend the compliance period themselves, should they be satisfied there is justification for doing so.

Formal decision

3. For the reasons given above, the appeal is dismissed and the enforcement notice is upheld without variation.

K McEntee