



Appeal Decision

Site visit made on 25 March 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/C1760/W/24/3352801

Grass verge west side of Salisbury Road, Andover, Hampshire SP10 3PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by EE UK Ltd against the decision of Test Valley Borough Council.
 - The application Ref is 24/01195/FULLN.
 - The development proposed is the temporary retention of telecoms mast and associated equipment within fenced compound until 31.01.25
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class A (under criteria B) of Part 16 of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2015 (As Amended) permits:
3. *“b) The use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use”,*
4. Notification was issued on the Council on the 14th of November 2022 in respect of the appellants intention to install electronic communications apparatus in an “emergency”, as defined by paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984 and amended by the Communications Act 2003 and Communication Act 2017. This was required as the existing apparatus at which provides the original coverage to the area is no longer able to accommodate the rooftop apparatus due to redevelopment plans for the site area.
5. I observed that the telecoms mast and associated equipment remains in place. The appeal seeks planning permission for a further temporary period for the existing equipment to stay in place. This is required due to what the appellant states as unforeseen issues in respect of getting utilities to the site.

Main Issue

6. The main issue in this case is the whether the temporary nature of the development can be secured.

Reasons

7. The proposal was for a temporary development, as set out in the description above, until 31.01.25. The proposal makes it clear that the temporary permission would end on this date, and the Council considered and advertised the development on this basis.
8. In order to secure the permission as temporary, a condition would be necessary specifying a date for the permission to end. The suggested condition from the Council includes the date 31.01.25. It is not reasonable to condition a date that has already passed. No other date or condition in this regard is suggested.
9. Any other date would also conflict with the description of development., and a permanent permission would not be appropriate as it would also conflict with the description of development.
10. As such, there is no mechanism before me to secure the temporary nature of the development as set out in the development description.

Conclusion

11. For the reasons set out above the appeal is dismissed.

B Phillips

INSPECTOR