



Appeal Decision

Site visit made on 6 November 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/X1355/W/25/3372757

4 Poplar Drive, Spennymoor, Durham DL16 7XX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Brian Hamilton against the decision of Durham County Council.
 - The application Ref DM/25/00656/FPA was approved on 29 May 2025 and planning permission was granted subject to conditions.
 - The development permitted is siting of retractable support and radio antenna to rear.
 - The condition in dispute is No 1 which states that:
This permission is granted for a temporary period of 2 Years from the date hereof, thereafter the site shall be reinstated to its former use and condition.
 - The reason given for the condition is:
The development is only considered suitable for a temporary period in accordance with Policy 29 and 31 of the County Durham Plan and Part 4 and 12IN of the National Planning Policy Framework.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I observed on my site visit that an antenna has been installed to the rear of the appeal property. However, the installation appeared different in design, and it was not possible to be certain if it was the same height as proposed on the plans, in either its full or retracted position. I have therefore dealt with this appeal on the plans before me and on which the Council made its decision.

Background and Main Issue

3. Under s72 of the Town and Country Planning Act 1990 (as amended) the local planning authority may grant planning permission for a specified temporary period only. The Planning Practice Guidance advises¹ that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area.
4. In this case, planning permission was granted in March 2025² for a retractable steel support pole and radio antenna to the rear of the appeal property ('the original permission'). Condition 1 granted permission for a temporary period of 2 years, after which the former use and condition was required to be reinstated. The appellant wishes to vary this condition to allow the radio antenna to be retained for a period of 5 years.

¹ Paragraph: 014 Reference ID: 21a-014-20140306

² LPA Ref. DM/25/00656/FPA

5. The main issue is whether condition 1 is necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects, having regards to the character and appearance of the area.

Reasons

6. 4 Poplar Drive (No 4) is a two-storey detached dwelling, located to the north of Poplar Drive, a cul-de-sac off Whitehouse Road. The surrounding area is predominantly residential in character, comprising similar detached, or semi-detached dwellings with a pitched roof. I observed that most dwellings along Poplar Drive have a roof or wall mounted TV aerial of differing designs, many projecting above the ridgeline.
7. The original permission was for the installation of an extendable support pole topped with an antenna which would be around 4m wide, sited alongside No 4's single-storey rear outrigger. In its lowered position, the antenna would be around the height of the mid-point of the roof plane of its host. However, when fully extended the pole and antenna would be a height of over 11m, projecting well above No 4's ridgeline.
8. Although it would be higher and wider than TV aerials I observed in the area, because of its siting to the rear elevation of No 4, it would not be unduly prominent from Poplar Drive, or from the entrance to the cul-de-sac from Whitehouse Road, where it would be seen against the backdrop of mature trees.
9. To the rear of No 4 is a public footpath which connects Whitehouse Road with Poplar Road, and an area of public amenity space and small children's playground. At this point on Whitehouse Road, views of the rear elevation of No 4 are partially screened by trees within the amenity area, even at times when not in full leaf. However, from the footpath there would be clear views of most of the support pole and the antenna which would be sited broadly centrally on No 4's rear elevation. It would appear unduly prominent, particularly in its extended position, with the wide antenna sitting noticeably high above the ridgeline of the dwelling.
10. I note that there were no objections to the planning application, and six letters of support were received from neighbouring properties. However, this does not necessarily equate to an absence of harm, and I have found the prominence of the antenna would be to the detriment of the character and appearance of the area. This harm would be reduced by the installation being in place for only a relatively short period of time.
11. I therefore find that condition 1 strikes an appropriate balance between enabling the appellant to pursue a hobby and enabling the Council to assess this harm over a 2-year period. In conclusion, condition 1 is necessary and reasonable in all other respects, having regards to the character and appearance of the area. Varying this condition to allow the installation to be in place for 5 years would conflict with policies 29 and 31 of the County Durham Plan (2020) which require proposals to be well designed and not have an unacceptable impact through visual intrusion.

Other Matters

12. Both parties raise the potential for this application to set a precedent, or a proliferation of such applications, although I note the appellant considers this unlikely given the percentage of radio amateurs in the population. My attention has

also been drawn to other dwellings around Spennymoor, where radio masts have previously been approved by the Council and installed by the appellant. However, I do not have full details of these before me to be able to ascertain whether they are directly comparable to the appeal proposal. Moreover, whilst I recognise that consistency in decision-making is important, it is also important that each case is determined on its own merits, particularly in relation to character and appearance.

13. The appellant has raised concern in respect of the Council's pre-application advice and approach to the planning application, and I acknowledge that paragraph 39 of the National Planning Policy Framework (the Framework) requires local planning authorities to approach decisions on proposed development in a positive and creative way. However, I have no convincing evidence before me that the Council has not sought to work constructively with the appellant, and, in any event, this is not a matter that I can consider under a s78 planning appeal.
14. I have also had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's age. I understand that a further application for an antenna may cause stress for the appellant. I have given these personal circumstances very careful consideration, but they would be relatively temporary in nature, and do not outweigh the longer-term harm to character and appearance which would arise from a 5-year permission.
15. I am also mindful that the condition would not prevent the appellant from making a further application for planning permission before the end of the two-year period. If that application was granted, there would be no requirement to remove the antenna already installed pursuant to the original permission. Therefore, it is necessary and proportionate to dismiss the appeal before me in the public interest.
16. Planning Policy Guidance 8: Telecommunications referred to by the appellant was replaced by the Framework when first published in 2012.
17. Finally, I note the appellant has purchased several antennae and is uncertain as to exactly what the Council have granted planning permission for, but this falls outside the scope of the disputed condition and is therefore not a matter to be considered here.

Conclusion

18. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

R. Gravett

INSPECTOR