



Appeal Decision

Site visit made on 2 December 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 December 2025

Appeal Ref: APP/X5990/W/25/3373429

Carroll House, Craven Terrace, Paddington, City of Westminster, London W2 3PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL (EE & H3G) against the decision of the City of Westminster Council.
 - The application Ref is 25/00952/TELCOM.
 - The development proposed is described as "The installation of 3no. Valmont tri-pods (measuring 2.89m) supporting 6no. antennas (2no. antennas on each tri-pod) attached to concrete plinths (31.20m AGL) and 4no. 600mm transmission dishes (2no. dishes attached to the south-western tri-pod, 1no. dish attached to the north-eastern tri-pod and 1no. dish attached to the eastern tri-pod) (33.16m AGL) along with ancillary development thereto."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have removed superfluous information from the description of development.
3. The Planning Practice Guidance states that permitted development rights are a national grant of planning permission, which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity. This is a two-stage process, it is necessary in the first instance to determine whether the proposal is permitted development, before, assessing any prior approval matters, such as siting and appearance as referred to in the Council's notice of decision in this case.
4. Class A, Part 16, Schedule 2, of the GPDO permits development by, or on behalf of an electronic communications code operator, consisting of the installation, alteration or replacement of any electronic communications apparatus. This is subject to certain limitations and conditions.
5. Although the Council did not identify any conflict with the limitations within paragraph A.1 of Class A, Part 16, Sch.2 of the GPDO, an interested party raised possible conflict in regard to paragraph A.1 (2) (f), which requires that in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land, the size of any dish antenna to be installed should not exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or the height of any antenna other than dish antenna to be installed should not exceed 3 metres, or the number

of such antennas which have been installed on the building since 21st August 2013 would exceed 3. In view of the description of the proposal, along with the existing and proposed plans, and in the interests of fairness, the main parties' comments have been sought as to whether the proposal would be consistent with paragraph (f), and those comments have been taken into account in my decision. Except for paragraph (f), I am content the proposal would not conflict with any of the other limitations within paragraph A.1 of Class A, Part 16, Sch. 2 of the GPDO.

Main Issues

6. Accordingly, the main issues are:

- whether the proposed development is permitted development in accordance with Class A, Part 16, Sch.2 of the GPDO, and if so,
- the effect of the siting and appearance of the proposed development on the Bayswater Conservation Area (the CA); and,
- the effect of the siting and appearance of the proposed development on the setting of nearby listed buildings.

Reasons

Whether the proposed development is permitted development

7. Carroll House is a building and given its location within the CA, the GPDO classifies it as being on Article 2(3) land, within its corresponding paragraph.
8. The proposed development as set out in the description of development and as shown on the proposed plans, would mean that there would be 6 no. antenna and 4 no. dish antenna installed on electronic communications apparatus on the roof of the building. The installation of more than 3 no. antenna and more than 3 no. dish antenna on electronic communications apparatus on the building, which is on Article 2(3) land, would exceed that permitted by paragraph A.1 (2) (f) of Class A, Part 16, Sch. 2 of the GPDO (as outlined above). There is no substantive evidence from the appellant to the contrary that demonstrates the proposed development would meet these limitations.
9. Consequently, I am unable to conclude with any certainty that the proposed development is permitted development and that it would comply with paragraph A.1 (2) (f) of Class A, Part 16, Sch. 2 of the GPDO.
10. The consideration of siting and appearance matters relate to the prior approval stage, a follow-on condition stage under paragraph A.3(4) of Class A, Part 16, Sch.2 of the GPDO, However, given that the proposed development has not been shown to be permitted development, it is not necessary or appropriate to proceed to consider those prior approval matters in this case.

Conclusion

11. For the reasons given above, I conclude that the appeal should be dismissed.

A Hunter

INSPECTOR