

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Lee Volante	Erection of telescopic tower with antennas for hobby amateur radio purposes Richmond House, Icknield Street, Headley Heath, Birmingham, Worcestershire B38 0EP	29.06.2018	18/00560/FUL

Councillor Denaro has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers.

RECOMMENDATION: That planning permission be **refused**.

Consultations

Wythall Parish Council Consulted 17.05.2018

Unable to comment on this application as we have no knowledge as regards this type of equipment, therefore, we shall leave this to the experts at Bromsgrove DC .

Public Consultation

22 Neighbour Letters sent on 17 May 2018 Expired 7 June 2018

Site Notice Posted 18 May 2018 Expired 8 June 2018

To date 4 representations have been received- which include 2 letters of support. These set out:

- No objections to proposal at all.
- Not visible from our house and we have no objections.
- Cannot see any problem with your application if the antenna retracts and we are happy to support your application.
- Chairman of the Radio Society of Great Britain, of which Mr Volante is a member, welcomes the opportunity to support this application for planning permission.
- Accept that the proposed development does not come within a category which is listed as 'not inappropriate' in either paragraph 89 or 90 of the current NPPF. As such it is necessary to establish that there are 'very special circumstances' sufficient to outweigh the harm caused by reason of inappropriateness. I would argue that the fact that amateur radio is a hobby which requires the construction of an efficient aerial system for radio transmission from the operator's home is, in itself, a very special circumstance. I say that because it cannot be the intention to seriously fetter the applicant's reasonable enjoyment of his dwelling simply because it lies within the Green Belt. That would be a disproportionate restriction on the applicant's Human Right to the enjoyment of his home.

Ward Councillor Geoffrey Denaro

Request application is call in if you are not minded to approve as considers that current rules appear to imply that this hobby can only be conducted in an urban environment and requires debate. Believes that very special circumstances can be made and finally in view of regulations regarding flagpoles the whole area in planning terms is a mess.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP19 High Quality Design

Others

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

14/0714	Erection of telescopic tower with antennas for hobby amateur radio purposes in rear garden and installation of a vertical antenna on existing television antenna on property	Refused Dismissed at Appeal	08.06.2015 14.12.2015
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Assessment of Proposal

Richmond House, Icknield Street is situated in an area of open countryside which is designated as Green Belt.

The proposal is for the erection of freestanding, galvanised steel, tubular, tilt-over telescopic radio tower which would have a retractable height of approximately 6.2 metres (tilt-over height of 1.6 metres) and a fully extended height of approximately 11.4metres. There would then be an antenna system at the top of this, containing a yagi beam antenna made of fibre glass and flexible plastic coated wire, and one dipole antenna made of flexible coated wire. The beam antennas will be able to rotate. The proposed tower would be located within the rear garden of the applicants dwelling house.

In determining the appeal the main issues are:

- Whether the proposal is appropriate development in the Green Belt for the purposes of the national Planning Policy Framework and development plan policy;
- The effect on the openness of the Green Belt;
- The effect on the character and appearance of the surrounding area; and
- if inappropriate development whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount the very special circumstance necessary to justify the development.

An application for a larger telescopic tower for amateur radio purposes at this location was refused by the Council in 2015, and later dismissed at appeal. The appeal was dismissed because the Planning Inspector found that the proposal was inappropriate development in the Green Belt which would have reduced the openness of the Green Belt, albeit that this would have been minimal. The Inspector concluded that the harm by reason of inappropriateness and the effect on openness would not be clearly outweighed by other considerations and therefore very special circumstances did not exist. As result the proposal was deemed to be contrary to policy.

Green Belt

The Government attaches great importance to Green Belts, the fundamental aim of which is to keep land permanently open. Development within the Green Belt is inappropriate unless it is within the defined list of exceptions set out within paragraphs 89 and 90 of the National Planning Policy Framework (NPPF).

As the definition of a building under the Town and Country Planning Act 1990 is commonly taken to include walls, fences, telecommunications equipment, wind turbines, floodlights and structures attached to buildings, it would be reasonable for me to regard the proposal as falling within the definition. As these forms of development are not listed within paragraphs 89 and 90 of the Framework the proposal must be regarded as inappropriate development.

Consequently, the proposal would be inappropriate development in the Green Belt. The NPPF states that this is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It is regarded this harm is substantial. This is the approach advocated by the Inspector in the recent appeal decision.

Openness

The proposal would introduce a structure into an open part of the appellant's garden, which would inevitably reduce the openness of the green belt to some extent. Given the scale of the proposed structure it is considered that the loss of openness would be minimal.

Character and appearance of area and amenity

The appeal property is a detached house within a large plot in the open countryside. There is a detached house opposite set back from the road and several other houses are some distance from the appeal site. The appellant's garden is bounded by a mix of mature trees and hedgerows including evergreen species and is surrounded by open fields. The proposed structure would be erected on a small concrete base towards the rear of the appellant's back garden.

The structure, when tilted-over, would not be visible from outside of the site. However, when retracted and extended, the structure would be visible, although due to the topography of the land and the existing trees and hedges that bound the site, it is acknowledged that the view would be limited. Furthermore there are several telegraph poles within close proximity to the site, these and pylons within the locality add prominent vertical structures to the character of the area.

It is therefore concluded that the proposal would not be unduly intrusive and would not result in material harm to the character and appearance of the area. However as an absence of harm would have a neutral effect this is given limited weight.

Other considerations

It is acknowledged that amateur radio is a specialist hobby requiring specialist equipment and locations that minimise the level of interference. This form of development is not common at a dwelling and would be dissimilar to most other structures associated with a house and its respective curtilage.

The applicant has set out in his supporting statement accompanying this application that the proposal would enable him and other likeminded individuals to undertake their hobby; that on occasion it might be used to support community events and could also be used during major incidents. However as no substantial evidence on the level of public benefit that would result from this has been submitted, this has only been given limited weight.

The applicant has also set out that the proposal for consideration is similar to other standalone structures that can be found within Green Belt locations, such as flag poles and street furniture. It is however noted that flag poles are considered to be advertisements, which can only be assessed in terms of their impact on amenity and public safety, and street furniture such as telegraph poles and lampposts can usually be erected under permitted development rights by statutory undertakers. As such Green Belt is not a consideration in the assessment of these structures and therefore it is not possible to directly compare these other structures with the proposed development.

The applicant has also referred to a previous planning permission that he obtained for a similar structure at a different site in the Green Belt in Bromsgrove District Council in 2001. It is noted that this application was determined prior to the publication of the NPPF and the now superseded Planning Practice Guidance Note 8 (PPG8). This is therefore given very limited weight.

Comments have been received from both the ward member and other interested parties with regards to the applicants right to be able to undertake his hobby within his residence. It is noted that the applicant, as with every resident, has the right to enjoy their dwelling house. However, if their hobbies that they wish to undertake requires them to obtain planning permission for a structure or use, this development; as with all other development, has to be carefully balanced against planning policy, to ensure that it would not cause any undue harm to the surrounding environment or the nearby residents. In this instance, this includes the impact on the Green Belt.

Conclusion

The NPPF sets out that inappropriate development in the Green Belt should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 88 of the NPPF sets out that substantial weight should be afforded to any harm to the Green Belt.

The proposed development is considered to be inappropriate development which would reduce the openness of the Green Belt, although this would be minimal. Therefore it is considered that the proposal would cause substantial harm to the Green Belt.

Other considerations have been put forward by the appellant to justify the proposal. However it is considered that these considerations only carry limited weight.

Overall therefore it is considered that the harm by reason of inappropriateness and the effect on openness would not be clearly outweighed by other considerations in this case. The development is therefore considered to be contrary to national and local policy.

RECOMMENDATION: That planning permission be **refused**.

Reasons for Refusal

- 1) The proposed development would result in the erection of a new building in the Green Belt. As the proposed development would not fall within one of the exceptions for new buildings in the Green Belt set out at paragraph 89 of the NPPF, it would constitute inappropriate development. The proposal would also introduce a structure into an open part of the appellant's garden, which would reduce the openness of the green belt, albeit this would be minimal. It is not considered that there are any very special circumstances that would outweigh the harm that the development would cause to the Green Belt. The proposal is therefore contrary to policy BDP4 of the Bromsgrove District Plan and the NPPF.

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