

Planning Permission for the Radio Amateur

Whether you're a DXer or 'rag chewer', one common thing all active Radio Amateurs have in common is the need for an effective antenna system. If radio frequency interference (r.f.i.) is not an issue most neighbours are fairly tolerant of wire antennas (provided they are not too much of an eyesore) and they are unlikely to attract the attention of the local Planning Department unless the system is reported to them. However, if you are planning something more ambitious, such as a beam or a mast, you will almost certainly need to apply for planning permission.

Urban Myths

There are a lot of urban myths regarding planning permission and some Amateurs are lucky enough to have fairly sophisticated antenna systems without seeing the need for planning permission. One school of thought goes, 'If you don't ask for planning permission from the Council, they can't be tempted to say no!'

Since the worse thing that is likely to happen to you (if you get caught without planning permission) is that you'll be asked to apply for planning permission

retrospectively (or in rare occasions be asked to take it down) the 'don't ask' approach may be tempting. However, it's a potentially expensive strategy as eBay and the second-hand item section of *PW* and *RadCom* often contain adverts for abandoned antenna projects that didn't get planning permission.

Strictly speaking most amateur radio antennas are classed as 'development' and you will require planning permission unless it comes under the following categories.

- 1: It is present for less than 28 consecutive days in the year.
- 2: It is deemed 'minimalist', mostly small wire antennas or types that look like TV antennas but some Councils allow more.
- 3: It is deemed 'permitted development'. This can include ground mounted antennas up to 3m in height or wall mount masts that do not protrude above the ridge of the roof, but not if any part of the antenna is wider than 1.3m.
- 4: It is truly portable, with no fixed guy wires and easily moved. The degree of permanence is the determining factor with this type of installation.
- 5: It has been present for at least four years as part of a residential dwelling that is not a listed building and you can prove it. Proof can often be as simple as a letter of support from your neighbours.

However, if you've 'got away with' more - I wish you more power to your elbow!



Len Paget GM00NX explains that. "There are virtually no legal precedents in place for Amateur Radio masts, leading to some very strange and inconsistent decisions by planners. The Force 12b beam antenna system and tower (left photograph) was granted Planning Permission with minimal restrictions. However, the MQ3 Minibeam (right photograph) failed at the appeal stage as it was considered to be 'detrimental' to the visual amenity of the area, despite the fact that the system was not visible from the front of the house (this is the view from the garden). However, if the antenna had been slightly smaller it would have been considered as 'permitted development'.

Regular *PW* author Len Paget GM00NX is also the Chairman of the RSGB Planning Advisory Committee. Len has much useful advice to help us get over any problems, even if you don't want a 30m tower in your back garden and only require a v.h.f. beam!

Applying For Planning Permission.

Although planning guidance issued to Council Planning Departments by Department for Communities and Local Government, The Scottish Executive and The Assembly for Wales all indicate that radio frequency interference (r.f.i.) would not be considered as a valid reason for refusing planning permission, you still have little chance of getting planning permission if you are causing r.f.i. to any of your neighbours.

Neighbours would simply object on other grounds - usually visual amenity. So my advice is that you should spend as much time and effort as it needs to get r.f.i. problems sorted out well in advance of your planning application.

Applying for planning permission itself is not that painful an experience, apart from the cost of the planning fee! Before submitting your application it's best to speak to your local planning officer to seek his/her advice on what type of installation is most likely to be most acceptable.

A 'softly, softly' approach is best at this stage as comparatively few planners will have had any experience of our type of application. Explain fully the need for the antenna and why it has to be as large as it is. Even a small high frequency (h.f.) Minibeam will seem huge to most planners!

Householder Application

Most Councils have a shortened 'Householder' application form, Fig. 1, for minor developments. When filling out the section of the application form detailing the proposed works it's better to describing it as an 'Amateur Radio antenna and support mast' rather than a 'tower' to differentiate it from a cellular telephone masts that attract a lot of poor publicity these days.

In addition to the application form you will have to include a set of plans, Fig. 2, showing your proposals in relationship to your

house and a location plan. The exact number of copies, type of plans and scale to be used will be detailed in your planning application pack received from the Council.

Describe the proposals as generically as possible and avoid brand names and technical terms wherever possible, as this will mean nothing to a planner. Ask if you can describe your antenna as a maximum size or cross sectional area to allow experimentation.

A letter of support from your neighbours would be a great help in getting planning permission. All things being equal, planners are more likely to grant planning permission if no one has objected to your proposals.

By law all owners, occupiers and lessees of adjoining land bordering your house must be informed that you have made a planning application and a form will be provided for this in your planning application pack for this purpose. Notifiable neighbours include those directly across the road, to the sides and the rear of any part of your home. You should discuss your proposals fully with these neighbours in advance of submitting the application to allay any concerns they may have.

What Happens next?

What happens next you may ask? The process starts when your application is checked by the Council to see if it contains all the required information, including all drawings (to the correct scale), neighbourhood notifications, etc., and payment for application has been made. If you have omitted any information the Council will write to you requesting the information and halt the planning process until they receive them.

If you have correctly submitted your application you will be given a target date for completion of your application, usually about two months.

Who Makes The Decision?

The next question may be, 'Who makes the decision?'

In answering the question, it depends on the Council and many planning applications are considered by the Council's 'Planning Committee', which is comprised solely of Councillors.

Recommendations are given to the Councillors by the Planning Department but they're not obliged to follow them. Incidentally, if your Councillor is on the Planning Committee he/she is not permitted to discuss your Planning Application prior to it going before the Committee.

In other Councils planning decisions are left as an 'Officer's decision' and the Planning Officials deliberate on the application.

If your application is to go before a Planning Committee you should find out if there have been any objections to your application. If there have been objections, objectors often have the right to speak at the planning meeting.

If objectors speak against your application you have a right of reply if you attend the meeting. You, however, may not speak if there

The image shows a 'Planning Application Form' for a 'Householder' application. It includes sections for:

- 1. Details of Applicant/Agent:** Fields for Applicant Name, Property Name, Town, Post Code, and Agent Name.
- 2. Proposed Development:** Fields for Property Name, Street Name, Town, and Postcode.
- 3. Brief description of proposed development:** A text area for describing the antenna and mast.
- 4. Ownership Certification:** Multiple certificates for different types of property:
 - Certificate 1 - Owner:** To be dated if the Applicant Owns the Site.
 - Certificate 2 - Occupier/Prospective Purchaser/OP:** To be completed only if the Applicant Does Not Own the Site.
 - Certificate 3 - Agricultural Holdings:** To be completed if the site is an agricultural holding.
- 5. Neighbour Notification:** A table to list interested parties (owners, occupiers, etc.) and their addresses.
- 6. Certificate A - Domestic Property:** A table for adjoining landowners/occupiers.
- 7. Certificate B - Non-Domestic Property:** A table for adjoining landowners/occupiers.
- 8. Certificate C:** For use if the applicant is not the owner/occupier.
- 9. Certificate D:** For use if the applicant is not the owner/occupier and the site is not a residential one.

Fig. 1: A typical planning 'householder' form.

have been no objections, unless you are invited to do so.

Permission Granted

When permission is granted it's extremely unusual to receive unrestricted Planning Permission. Conditions, such as requiring the mast to be lowered (if not in use) or removed if no longer required are common. You may also be required to re-apply for planning permission every five years.

The Council must tell you why the restriction has been imposed and this condition is usually on the grounds of visual amenity. You can appeal these restrictions in exactly the same way as if your application was refused if you believe they are unjust. But you will have to fully address the reasons given for the condition, refute them or give an alternative proposal to address their concerns. **Note:** If you do appeal, your **whole application will be reviewed – not just the conditions.**

Permission Refused?

If planning permission is not forthcoming, you will be told why your application was refused. Refusal is usually on the grounds of 'an adverse impact on the visual amenity of the area' (antennas are only 'pretty looking' to Radio Amateurs!).

My advice is that you should consider that they have a valid point and look to see what has been successful elsewhere within the same Council area. You are allowed one free re-application within 12 months of your original application. You should discuss with the local Planning Department what alterations, if any, are required to improve your likelihood of success.

If you decide to appeal you can only appeal on the grounds that the reasons for refusal were unsound, i.e. they allowed a similar development elsewhere in a similar area, failed to comply with the local plan, planning law or guidance. You can also argue that the visual amenity of has not been **significantly affected** or could be minimised with planning restrictions (such as lowering the mast when not in use).

Appeals are made to The Planning Inspectorate in England and Wales or The Scottish Executive Inquiry Reports Unit (SEIRU) in Scotland. If you are a member of the RSGB you can contact them and ask to be referred to the Planning Advisory Committee who can advise you of the best course of action.

Making an appeal is not as daunting as it sounds and is usually all done by 'Written Submissions'. It's simply a matter of filling out a form and supplying the requested information. You must appeal within six months of the date of refusal and adhere strictly to the timetable given for the process. No alterations to your proposals can be considered as part of the appeal.

The Appeals Process

The appeals process ensures that the Council involved will reply to the Planning Inspectorate/SEIRU to the points you raised in the appeal application form, to

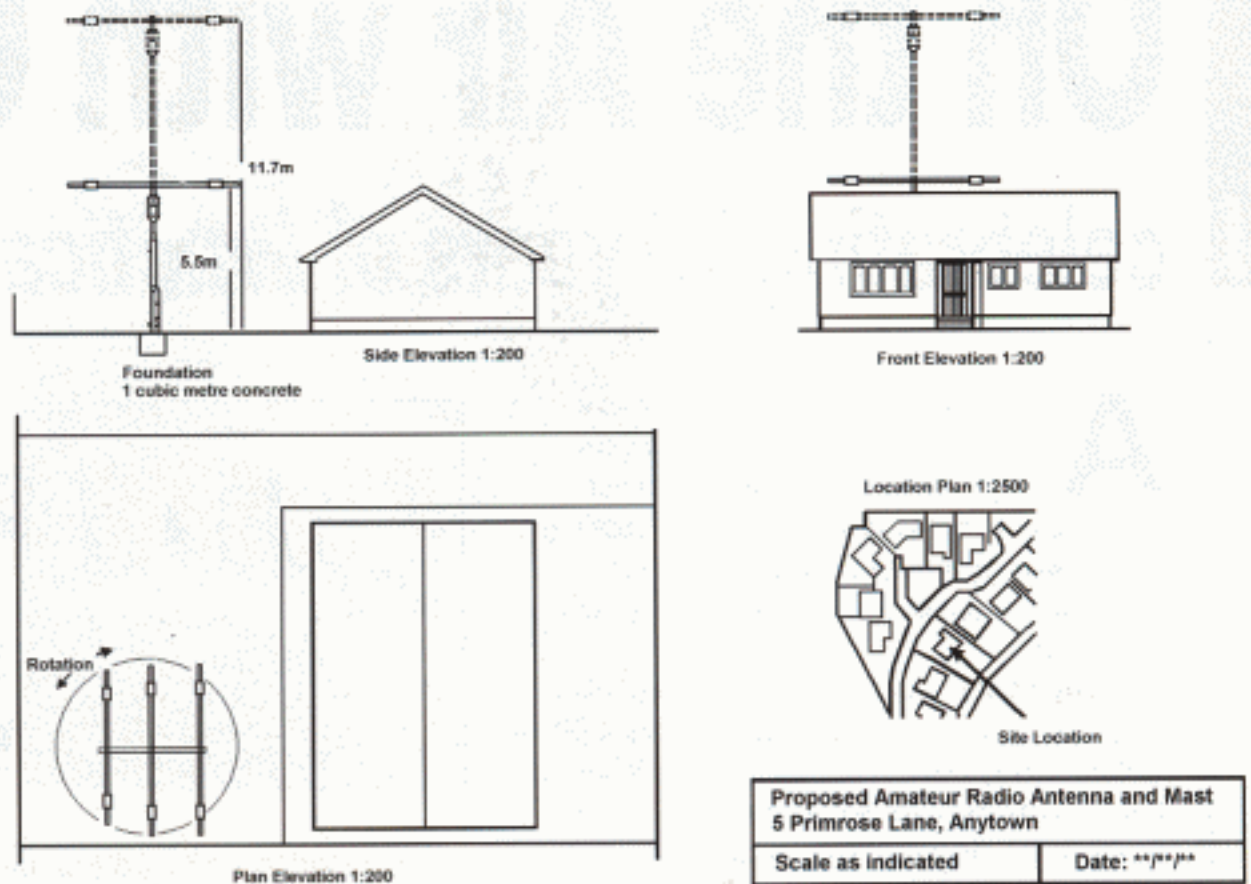


Fig. 2: A detailed set of plans showing the proposed development in relation to the property are essential for success in the planning procedures.

justify their decision. The Planning Inspectorate/SEIRU will then ask you to respond to the points raised by the Council in their reply, **but only to those points.**

The typical period to complete this process is about **20 weeks**. You must pay your own expenses but otherwise it's free, however you should be aware about 70% of all appeals fail. **Note:** If you can provide all your information in an electronic form you can now make your appeal 'On-Line'.

The Planning Inspectorate/SEIRU will appoint an independent planning inspector to review the case. The Inspector will usually wish to visit the proposed site. You or your agent will have the right to be present during the visit.

If the Planning Inspector interviews any objectors (or the Council) you will have the right of reply to any issues raised. My advice is that (especially in the event of any provocation) you should conduct yourself in a professional manner and try to address any issues raised as fully as possible. Try to make a good impression as you'll only get one shot at it!

Effectively Final

For most of us the Planning Inspector's decision is effectively final. Although you can appeal against the Planning Inspector's decision (if you believe he/she is mistaken in his/her judgement) this is very expensive process as it's heard before a Judge at the High Court and for most of us this is ruled out on the basis of cost.

If however, if it's still less than 12 months from your original submission and you haven't used up your 'free go', you can make a revised submission free of charge and go through the whole process again.

I hope you've found the article helpful. There's no need to be frightened off by the planning permission process and by following the guidelines I've provided here I'm sure you'll find it less daunting!