

4.1 - 24/00225/TELNOT Revised expiry date 30 April 2024

Proposal: Telecommunication equipment.

Location: Telecommunications Equipment South Of Ivy Farm, Main Road, Knockholt Kent

Ward(s): Halstead, Knockholt & Badgers Mount

Councillor Grint has called the application to committee on the grounds of neighbouring amenity and impact upon the National Landscape (AONB).

**Item for decision:**

RECOMMENDATION: THAT PRIOR APPROVAL IS NOT REQUIRED

**Description of site**

- 1 The application site is located to the south of Main Road, Knockholt Pound, it is at the end of Ivy Lane which leads to the Bowling Green/Club. The site features an existing 25m tall mast within an enclosed/gated area. The site is outside the settlement confines of Knockholt Pound and within the Green Belt, it is also within the Kent Downs National Landscape (AONB). Playing fields extend to the south, within agricultural fields beyond. The nearest residential properties are along Ivy Lane just north of the site.

**Description of proposal**

- 2 It is proposed to replace the existing 25m mast with a new 25m mast that can better support 5G equipment.

**IMPORTANT NOTE:**

- 3 This proposal is not a planning application.
- 4 This is an application to confirm if the proposal is permitted development and whether prior approval is required for the proposed mast, in accordance with the Town and Country Planning (General Permitted development) (England) Order 2015 (as amended).
- 5 In assessing this application, and in accordance with the legislation, only the siting and appearance of the development can be considered as part of the prior approval process.

**Relevant planning history**

- 6 03/01088/FUL - Installation of 4 no antennas and 4 no Dishes on existing tower with equipment in existing brick building. Granted
- 7 08/03036/FUL - Decommissioning and removal of existing 36m mast. Erection of 25m lattice mast & equipment housing within existing compound for O2 and T-Mobile. Amended by plans received 10.11.08. Granted.

- 8 09/01143/FUL- Minor amendments to application SE/08/03036/FUL, decommissioning and removal of existing 36m mast. Erection of 25m lattice mast & equipment housing within existing compound for O2 and T-Mobile. Replacement of antennas. Granted.

### Constraints

- 9 The following constraints apply:
- Green Belt
  - Kent Downs National Landscape (AONB).

### Consultations

#### Knockholt Parish Council:

- 10 Objection - We recognise the need for improved communications in Knockholt which has been previously neglected, however we have a number of concerns regarding the proposal which we have listed below.
- We note there are 2 existing masts located in Brasted Lane and would like to know why this has not been considered as an alternative site?
  - There appears to be no consideration of the impact the proposal will have on the properties in the vicinity or the impact of the highway infrastructure. Ivy Lane is an un-adopted Road that is not suitable for heavy vehicle use.
  - This is an Area of Outstanding Natural Beauty and we therefore have concerns regarding the height bulk and scale of this proposal.
  - We note the proposed removal of foliage, we seek clarification that this does not include any Trees.
  - Have medical advisors given any clarification on the possible health concerns that the mast could cause, due to the number of outdoor sporting facilities in the area.
  - We would support any neighbour concerns.

### Representations

- 11 7 letters of objection relating to the following issues:
- Lack of consultation before application was submitted.
  - Increased height and bulk of tower.
  - Health effects of radiation on nearby residents.
  - Construction traffic on Ivy Lane.
  - Bulky antennas at the top of the frame.
  - Very visible site, particularly as it is adjacent to the bowling club and tennis courts.

### Planning Officer's appraisal

- 12 The application seeks confirmation from the Council whether prior approval is required for the proposed development. It is not an application for planning permission.
- 13 The application is considered in relation to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16, Class A.

- 14 For this application, the report assesses:
- Whether the proposal would comply with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 16, Class A
  - Whether prior approval is required in respect of siting and appearance, and if so, whether the proposals are acceptable in their siting and appearance.

**Permitted Development assessment - Part 16, Class A:**

- 15 ***“A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code consisting of:***
- a) The installation, alteration or replacement of any electronic communications apparatus,***
- b) The use of land in an emergency for a period not exceeding 18 months to station and operate movable 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, or***
- c) Development ancillary to radio equipment housing”.***

The proposed development falls under criteria a) confirming that there is potential for the scheme to be permitted development.

**Criteria for development that is not permitted:**

- 16 ***Paragraph (1) - Ground based apparatus:***
- “Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A (a) if–***
- (a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level”.***
- 17 ***“(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater”.***

As above, the proposal is for a mast and therefore this is not applicable.

- 18 ***“(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of–***
- (i) 30 metres above ground level on unprotected land; or***

***(ii) 25 metres above ground level on article 2(3) land or land which is on a highway”;***

The proposal entails the erection of a new mast located on article 2(3) land (AONB National Landscape). The mast would have a height of 25m which does not exceed the maximum permitted height and is in compliance with these criteria.

19 ***“(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of—***

***(i) 30 metres above ground level on unprotected land; or***

***(ii) 25 metres above ground level on article 2(3) land or land which is on a highway”;***

The height of the mast does not exceed the height of the existing mast or the height criteria above.

20 ***“(e) in the case of the alteration or replacement of a mast—***

***(i) the mast is on any land which is, or is within, a site of special scientific interest; and***

***(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third”.***

The replacement mast is not within a site of special scientific interest.

21 ***Paragraph (2) - Electronic communications apparatus on a building.***

This is not applicable in this instance as the mast would not be on a building.

22 ***Paragraph (3) - Apparatus on masts:***

***“Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A (a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.***

The proposal would meet the provisions set out in the relevant parts of the legislation described above.

23 ***Paragraph (4) - Antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest.***

***“Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—***

***(a) on any article 2(3) land unless—***

***(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land;***

*(ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;*

*(iii) the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or*

*(iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(i)(bb) A.1(1)(d)(ii) or A.1(2)(f);*

*(b) on any land which is, or is within, a site of special scientific interest unless—*

*(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or*

*(ii) the development is within the limitations specified in paragraph A.1(5)*

The application site is within Article 2(3) land, however it complies with criterion (a)(iv) above.

24 **Paragraph (5) - Electronic communications apparatus installed, replaced or altered on a dwellinghouse.**

The development does not relate to electronic communications apparatus on a dwellinghouse and therefore the criteria of Class A (5) is not relevant.

25 **Paragraph (6) - Small antennas installed, replaced or altered on a building which is not a dwellinghouse.**

The proposals do not relate to small antennas or development on a building which is not a dwellinghouse. Therefore, the criteria of Class A (6) is not applicable.

26 **Paragraph (7) Ground or base area:**

***“Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than-***

***a) a mast;***

***b) an antenna;***

***c) a ~~public call box~~; (no longer applicable)***

***d) any apparatus which does not project above the level of the surface of the ground; or***

***e) radio equipment housing,***

***is not permitted by Class A(a) if the ground or base area of the structure would 1.5 square metres”.***

The proposed mast utilises many of the existing ground based equipment, no new cabinets etc. are proposed and therefore the ground coverage of any new development does not exceed 1.5m<sup>2</sup>.

27 **Paragraph (8) - Driver information systems:**

***“Development consisting of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.) is not permitted by Class A(a)”.***

This is not relevant to the proposal.

28 **Paragraph (9) - radio equipment housing**

***“Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if-***

***(a) the development is not ancillary to the use of other electronic communications apparatus;***

***(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or***

***(c) or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.***

***(9A)Sub-paragraph (9)(b) and (c) does not apply where the development is carried out within a permitted compound (and accordingly the development described in that sub-paragraph is permitted by Class A(a))”.***

The submission does not state that the development comprises of ‘radio equipment housing’. Therefore, this is not relevant.

**Conditions**

29 The following sections of Class A contain conditions that the development must adhere to.

30 **A.2 Conditions**

***(1) “Class A(a) development is permitted subject to the conditions that-***

***(a) the siting and appearance of any—***

***(i) mast;***

***(ii) electronic communications apparatus installed, altered or replaced on a mast;***

***(iii) antenna or supporting apparatus;***

***(iv) radio equipment housing; or***

***(v) development ancillary to radio equipment housing,***

***constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable”.***

The development is not located on a building.

31 ***(b) “the siting and appearance of any—***

***(i) mast;***

- (ii) *electronic communications apparatus installed, altered or replaced on a mast;*
- (iii) *antenna or supporting apparatus;*
- (iv) *radio equipment housing; or*
- (v) *development ancillary to radio equipment housing,*

*which has been constructed, installed, altered or replaced in a manner which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable”.*

The requirement for prior approval under paragraph A.2 (3) is discussed below.

32 (c) *the siting and appearance of any development which is visible from a site which is—*

- (i) *article 2(3) land;*
- (ii) *a scheduled monument or a listed building;*
- (iii) *the curtilage of a schedule monument or a listed building;*
- (iv) *a World Heritage Site;*
- (v) *a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973; or*
- (vi) *land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953,*

*are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site”.*

The development would be visible from and is within article 2(3) land, the impact on the AONB National Landscape is assessed later in the report.

33 (d) *“the siting of any development is such that it—*

- (i) *does not prevent pedestrians from passing along a footway;*
- (ii) *does not prevent access to premises adjoining a footway; and*
- (iii) *is determined having regard to—*
  - (aa) *the needs of disabled people; and*
  - (bb) *the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021”.*

The proposal complies with criterion (d).

34 (2) *Class A development is permitted subject to the condition that—*

*(a) “any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated—*

**(i) if such development was carried out in an emergency, at the expiry of the relevant period;**

The development is not being carried out in an emergency.

**(ii) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes”**

Clarification on this point is not required. This would be the responsibility of the applicant in order to ensure compliance with the legislation.

**(b) “such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer”.**

As above. The existing mast would need to be removed from site prior to the erection of the proposed mast in order to comply with the legislation.

35 **(3) “Subject to sub-paragraph (5), Class A development –**

**(a) on article 2(3) land, excluding development specified in sub-paragraph (4);**

**(b) on land which is, or is within, a site of special scientific interest; ~~or~~**

**(c) on unprotected land where that development consists of–**

**(i) the installation of a mast; other than the installation of a mast on a building where the height of the mast (including any antenna and supporting apparatus) does not exceed the height of the highest part of the building by more than 6 metres**

**(ii) the alteration or replacement of a mast which, when completed–**

**(aa) is taller than the mast which existed prior to such alteration or replacement; and**

**(bb) exceeds a height of 25 metres above ground level;**

**(iia) the alteration or replacement of a mast which–**

**(aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or**

**(bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or**

**(iii) the construction, installation, alteration or replacement of radio equipment housing, where the volume of any single development, other than a single development within a permitted compound, exceeds 2.5 cubic metres;**

**(d) on a highway where that development consists of–**

**(i) the alteration or replacement of a mast which, when completed–**

**(aa) is taller than the mast which existed prior to such alteration or replacement; and**



*(bb) exceeds a height of 20 metres above ground level;*

*(ii) the alteration or replacement of a mast which—*

*(aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or*

*(bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or*

*(e) which consists of the installation, alteration or replacement of a mast on a defence safeguarding area*

*Is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval)".*

Part (a) & (c) is applicable and prior approval is reviewed below.

36 *(4) "Development is specified for the purposes of sub-paragraph (3)(a), if it consists of—*

*(a) the installation, alteration or replacement of a small cell system on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse; or*

*(b) development which is within the limitations specified in paragraph A.1(1)(d)(i)(bb), A.1(2)(f), A.1(5) or A.1(6)"*

This is not applicable.

37 *(5) "The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband".*

The proposal would meet this criteria as the development is not for a telegraph pole.

38 *(5A) "Except in case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject (in addition to any other condition imposed by this paragraph) to the conditions that—*

*(a) the developer notifies in writing—*

*(i) the Civil Aviation Authority, in respect of development on a civil safeguarding area;*

*(ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area;*

*(iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence); and*

*(b) the development does not begin until the end of 28 days after the day the last notification required by paragraph (a) is given".*

The proposal would meet this criteria as it does not relate to the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area.

- 39 ***(5B) “In case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject to the condition that the developer notifies the person mentioned in sub-paragraph (5A)(a)(i) to (iii) (as appropriate) as soon as practicable after the emergency begins”.***

As above, the proposal does not relate to the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area.

### **Prior Approval**

- 40 The criteria in respect of applying for prior approval has been adhered to in the submission of this application.

- 41 Planning Practice Guidance states that:

“prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed... A local planning authority cannot consider any other matters when determining a prior approval application.”

- 42 As defined above, it is for the local planning authority to consider the siting and appearance of the development only.

### **Siting and appearance**

- 43 Paragraphs 118 to 122 of the NPPF refer to telecommunications equipment.

- 44 Paragraph 118 states that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution)”

- 45 Paragraph 122 states that:

“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”.

- 46 Policy SP1 of the Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.

- 47 Policy EN1 of the Allocations and Development Management Plan states that the form of proposed development should be compatible in terms of scale, height, density and

site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 48 The proposed development would be located within a fenced off area currently housing a 25m tall mast. The site is located opposite the Bowling Club building and north of the playing fields. The site of the existing mast and the proposed mast is against a backdrop of trees and vegetation, it is not located within an open field and an overly prominent location. The site at the end of Ivy lane is away from the heart of Knockholt Pound and significantly back from the street frontage of Main Road, it is also over 40m away from the nearest neighbouring property (Ivy Farm) and further still to the others along Ivy Lane and fronting Main Road.
- 49 Having conducted a site visit, the land in which the existing mast resides and the site of the proposed mast is set at a higher level than Main Road. Consequently, the mast would be visible from the street scene, as the current mast is at present. It is noted that the structure is wider than the existing mast and that the antennas are set towards the top and thus may appear somewhat bulky compared to the existing. However, due to the set back from street and the siting against the backdrop of the trees that of a similar height the impact on the character of the area would be minimised.
- 50 Policy EN5 of the Allocations and Development Management Plan states "The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard to the relevant Management Plan and associated guidance".
- 51 The Countryside and Rights of Way Act 2000 states that the Local Planning Authority should conserve and enhance Areas of Outstanding Natural Beauty. Designating an Area of Outstanding Natural Beauty protects its distinctive character and natural beauty and can include human settlement and development.
- 52 The replacement mast is the same height as the existing though it would introduce increased bulk particularly towards the top of the frame where the current mast is largely free from antennas. There is a longstanding history of electronic communications on site including 03/01088/FUL which added antennas to the existing 38m tall tower (13m taller than the existing and proposed mast). The tower that existed on site as far back as pre-2000 and to which antennas were subsequently added as outlined in the planning history above had a significantly greater impact on the character and appearance of the National Landscape (AONB) than the current and proposed masts. More recent history includes 08/03036/FUL & 09/01143/FUL which sought the siting of 25m masts, both of which were approved.
- 53 It is acknowledged that the mast would be visible from neighbouring properties along Ivy Lane, in particular Ivy Farm House. However, the impact upon the views of the neighbouring properties would not be significantly worsened compared to the current development on site and previous permissions granted.
- 54 In light of the above, it is considered that the proposal due to its siting and appearance would preserve and enhance the character of the surrounding area and Kent Downs National Landscape (AONB) by utilising an existing site in a village location.

### *Consideration of other development*

- 55 It is noted that there are other masts within the parish and local area, however these are not within the immediate setting or context of the site and therefore the combined impact of the masts would not be detrimental to the character of the vicinity. It is also noted that the proposal is to replace the existing mast to upgrade coverage in the area it currently supports. Notwithstanding this it should be noted that the NPPF is clear at para 122 that the Local Planning Authority should not question the need for telecommunication systems.
- 56 As explained in the supporting information, the existing mast is temporary and is unable to support multiple networks or 5G connections, upgrading the facility in the current location will therefore maintain and improve the service in the area. Should the mast not be replaced the service in the local area would be reduced when the temporary contract ceases, to the detriment of the residents. The proposed replacement mast is also able to support multiple mobile networks unlike the current mast, thus reducing the need for a further net gain of masts in the area.

### **Other issues**

#### **Health issues**

- 57 Paragraph 121 of the NPPF states that applications for communications development, including application for prior approvals, should be supported by the necessary evidence, including a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 58 Concerns have been raised about the impact upon health. The application is accompanied by supporting information confirming conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines, a ICNIRP Certificate has also been submitted. In light of this the proposal meets the necessary requirements for this application. Beyond this, Health and safety concerns are the responsibility of Public Health England and Ofcom.
- 59 The application demonstrates that the proposal will meet the international guidelines and therefore complies with paragraph 121 of the NPPF.

#### **Trees and construction traffic**

- 60 Whilst not part of the Prior Approval Procedure in relation to Part 16 of the GPDO, a response to other matters raised within the consultation of this application is set out below.
- 61 Any construction traffic would be limited to the period when the mast is being installed and equipment being replaced. There are no protected trees on site that could be at risk of damage during construction works, and the site not situated near any wildlife sites.

### **Conclusion**

- 62 The proposed development would, by reason of its siting and appearance preserve the character of the area. It would comply with policies EN1 and EN5 of the Allocations and Development Management Plan. The proposal also accords with the relevant criteria and conditions of Class A of Part 16, Schedule 2 of the GPDO.

### **Recommendation**

63 Prior approval be granted.

### **Background papers**

64 Site and block plan

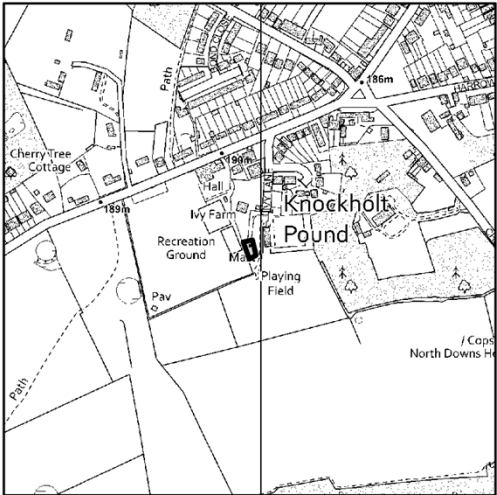
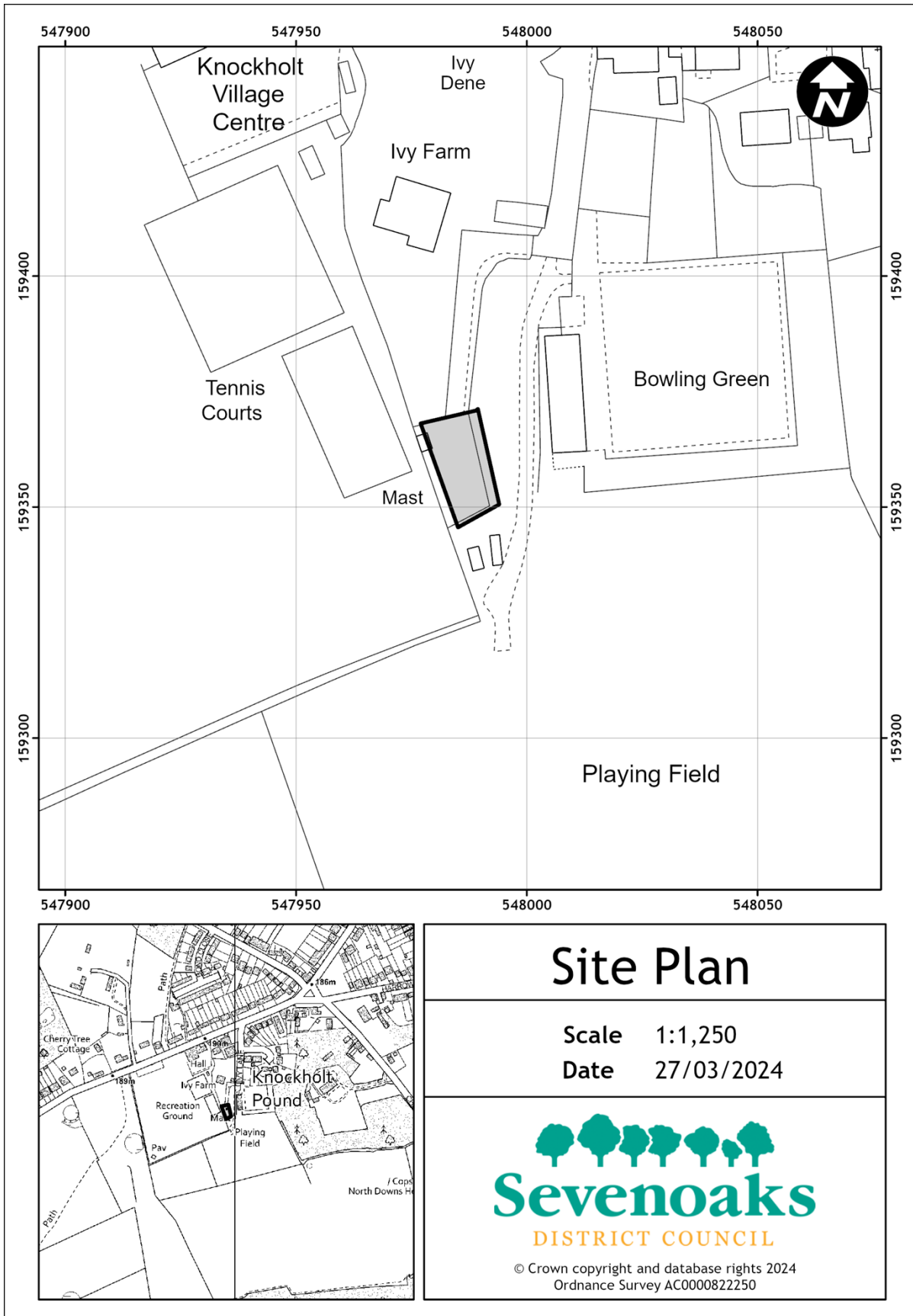
Contact Officer(s):

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**Richard Morris**  
**Chief Planning Officer**

[Link to application details:](#)

[Link to associated documents:](#)



# Site Plan

Scale 1:1,250  
 Date 27/03/2024



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 Ordnance Survey AC0000822250

DETAILED LOCATION PLAN

