

# Pole-mounted mobile phone antennae require planning permission, rules judge

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**Pole mounts that support mobile phone antennae should be viewed as radio masts, a High Court judge has ruled, and therefore should not be able to benefit from the part of the General Permitted Development Order (GPDO) that allows much telecoms equipment to be erected without planning permission.**



*The High Court in London*

The judge was ruling on a case brought by Nigel Mawbey, a resident of south London's Telegraph Hill conservation area, who had objected to the erection of antennae on top of a social housing block in Brockley.

Housing provider Lewisham Homes had - for a fee - granted a licence to erect the antennae to Cornerstone Telecommunications Infrastructure.

And they were put in place after Lewisham Council decided that no planning permission was needed, on the grounds that the antenna were not "masts".

Masts are not classed as permitted development under part 16 of the GPDO, unlike many other forms of telecoms equipment.

The council's ruling that the antennae on Forsythia House, Pendrell Road, were automatically permitted was "irrational", ruled Mrs Justice Lang.

In a decision that clarified the law, she ruled that three-metre high "pole mounts" that support the antennae should be viewed as "radio masts".

And, as Forsythia House is within 20 metres of a road, that meant the telecommunications installation required full planning permission, she said.

Cornerstone Telecommunications Infrastructure insisted that "the scale and design of the support poles is not characteristic of a roof mast".

But the judge accepted Mawbey's arguments that, as the poles support antennae that transmit and receive radio waves, they are radio masts.

Mrs Justice Lang recognised the importance of telecommunications equipment in modernising Britain.

But the law had to "strike a balance" between that and "protecting surrounding neighbourhoods from an unacceptable adverse visual impact," she said

Cornerstone's interpretation of what is, and is not, a radio mast would lead to "an illogical outcome", she added.

Support poles and "stub masts" are equally "unsightly" and both are "potentially dangerous" when close to roads.

"By concluding that the support poles were not masts ...the council reached an irrational decision," the judge concluded.

Lewisham's decision that the scheme required no planning permission was overturned.

*R on the Application of Mawbey v Lewisham Council & Ors. Case Number: CO/3411/2017*