

Statutory Instrument 1998 No. 462

The Town and Country Planning (General Permitted Development) (Amendment) Order 1998

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STATUTORY INSTRUMENTS

1998 No. 462

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (General Permitted Development) (Amendment) Order 1998

<i>Made</i>	<i>26th February 1998</i>
<i>Laid before Parliament</i>	<i>5th March 1998</i>
<i>Coming into force</i>	<i>26th March 1998</i>

The Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 60, 61(1) and 333(7) of the Town and Country Planning Act 1990[1], and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1. - (1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) Order 1998, and shall come into force on 26th March 1998.

(2) In this Order, any reference to Part 1, Part 24 or Part 25 is a reference to that numbered Part of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995[2].

Changes to Part 1, Class H: The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse

2. In Class H of Part I -

(a) in paragraph H.1(a)(ii), omit "on or within the curtilage of a dwellinghouse on article 1(4) land"; and

(b) omit paragraph H.1(a)(iii).

Changes to Part 24: Development by telecommunications code systems operators

3. In Class A of Part 24 -

(a) after paragraph 1(d), insert:

" (dd) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs A.1 (a), (b), (c) and (d), and for the purposes of applying the limit specified in sub-paragraph (c), the words " (taken by itself)" shall be omitted;"

(b) in paragraph 1(f)(iii), after "development", insert "(other than the installation, alteration or replacement of one small antenna)";

(c) in paragraph 1(g)(ii), after "development", insert "(other than the installation, alteration or replacement of a maximum of two small antennas)";

(d) in paragraph 1(h), after "in the case of development of any article 1(5) land", insert "(other than the installation, alteration or replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse)";

(e) at the end of paragraph 1(k), omit the word "or";

(f) for paragraph 1(1), substitute:

" (1) in the case of the installation, alteration or replacement on a dwellinghouse or within the curtilage of a dwellinghouse of any telecommunications apparatus, that apparatus -

(i) is not a small antenna;

(ii) being a small antenna, would result in the presence on that dwellinghouse or within the curtilage of that dwellinghouse of more than one such antenna; or

(iii) being a small antenna, is to be located on a roof or on a chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively;"

(g) after paragraph 1(1), insert:

" (m) in the case of the installation, alteration or replacement on article 1(5) land of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse, the antenna is to be located -

- (i) on a chimney;
- (ii) on a building which exceeds 15 metres in height;
- (iii) on a wall or roof slope which fronts a highway; or
- (iv) in the Broads, on a wall or roof slope which fronts a waterway;

(n) in the case of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse -

- (i) the building is on article 1(5) land;
- (ii) the building is less than 15 metres in height, and the development would result in the presence on that building of more than one such antenna; or
- (iii) the building is 15 metres or more in height, and the development would result in the presence on that building of more than two such antennas."; and

(h) in paragraph 3, after the definition of "relevant period", insert:

" "small antenna" means an antenna which -

- (a) is for use in connection with a telephone system operating on a point to fixed multi-point basis;
- (b) does not exceed 50 centimetres in any linear measurement; and
- (c) does not, in two-dimensional profile, have an area exceeding 1,591 square centimetres;

and any calculation for the purposes of (b) and (c) shall exclude any feed element, reinforcing rim mountings and brackets."

Changes to Part 25: Other telecommunications development

4. - (1) In Class A of Part 25, in paragraph A.1(d), for "90 centimetres", substitute "1.3 metres".

(2) In Class B of Part 25, in paragraph 1(d):

- (i) omit paragraphs (i) and (ii); and
- (ii) after "exceed", insert "90 centimetres".

Signed by the authority of the Secretary of State for the Environment, Transport and the Regions

Richard Caborn

Secretary of State for the Environment, Transport and the Regions

19th February 1998

Signed by authority of Secretary of State for Wales

Win Griffiths

Parliamentary Under Secretary of State, Welsh Office

26th February 1998

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Parts 1, 24 and 25 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order"). Those Parts confer permitted development rights in respect of certain telecommunications development, including the erection of satellite antennas. Where such rights apply, no specific application for planning permission is needed.

Article 2 amends Part 1 of the 1995 Order (development within the curtilage of a dwellinghouse) as regards the size limit of a satellite antenna installed on or within the curtilage of a dwellinghouse (other than on a chimney) pursuant to permitted development rights. It applies throughout England and Wales a size limit for such an antenna of 90 centimetres (measured in any direction).

Article 3 amends Part 24 of the 1995 Order (development by telecommunications code system operators). It disapplies permitted development rights in respect of the installation, alteration or replacement of apparatus on a mast where the height of the mast would, as a result of that installation, alteration or replacement, be increased above specified limits. It modifies existing exclusions from such rights to permit in certain circumstances the installation, alteration or replacement of small antennas on a building. A small antenna is defined in article 3(h) as an antenna which is used in connection with a telephone system operating on a point to fixed multi-point basis, and which does not exceed 50 centimetres in any linear measurement or have an area exceeding 1,591 square centimetres.

Article 4 amends Part 25 of the 1995 Order (other telecommunications development) by raising the maximum size limit for satellite antennas on buildings or structures of a height of 15 metres or more to 1.3 metres.

Minor incidental and consequential changes are also made to the Parts mentioned.

Notes:

[1] 1990 c.8; to which there are no relevant amendments.[back](#)

[2] S.I. 1995 No. 418; to which there are no relevant amendments.[back](#)

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