

Planning regulations for mobile phone masts

The law on this is a mess. Under the Town & Country Planning (General Permitted Developments)(Amendment)(England) Order 2001 (Statutory Instrument 2718), which amended Part 24 of the General Permitted Developments Order 1995 to include telecommunication masts, the principle is that a phone mast under 15 metres in height is a 'permitted development' except where the proposed site is on so-called 'Article 1(5) land', eg Conservation Areas, Areas of Outstanding Natural Beauty (AONB) and National Parks.

If a mast qualifies as a permitted development, the phone company does not have to seek planning permission but does have to give 56 days' notice to the Planning Authority of their intention to erect a mast. The Planning Authority has the right to comment on the siting of the mast and could reject the proposal. However, Planning Authorities do not have the technical expertise to oppose dispute well-drafted proposals. In addition, if there was clearly no other suitable location for a mast, the Planning Authority would be unlikely to oppose the proposal.

Where phone companies do not permitted development rights under the 2001 Order (eg in a Conservation Area), they must apply for planning permission in the normal way. The Planning Authority can reject the application on the normal grounds of visual intrusion, notwithstanding the technical case put forward by the phone company.