

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00373/EC	Installation of one 11m Medium Wooden Pole including associated ancillary works	Land Outside 41-43 Lawrence Avenue Letchworth Garden City Hertfordshire SG6 2EY

Submitted Plan Nos

Location Plan

2.0 **Site History**

2.1 N/A

3.0 **Representations**

3.1 None.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is the front driveway of No. 39/41 Lawrence Avenue, Letchworth Garden City.

4.2 **Proposal**

4.2.1 The application proposes the installation of an 11m wooden pole.

4.2.2 The application gives the Local Planning Authority formal notification in accordance with Regulation 5 of the Electronic Communications Code (Conditions and Restrictions) Regulations 2003. The proposals are stated to constitute permitted development.

4.3 **Key Issues**

4.3.1 The key issues in this case are whether the proposed works would constitute permitted development in line with the relevant section in the General Permitted Development Order (GPDO) 2015 as amended.

4.3.2 Part 16, Class A of the GPDO 2015 states the following:

Class A – electronic communications code operators

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 6 months to station and operate moveable 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.

- 4.3.3 The site plan indicates that the 11m pole is proposed to be sited on the front driveway of No. 39/41 Lawrence Avenue. Therefore, it is considered that the applicant is proposing to erect this pole on land outside of their ownership and control. It has not been confirmed if the registered owners of the property in question have given permission to the applicant to carry out these works. Therefore, this proposal fails to comply with the fundamental part of Part 16, Class A, in that the proposal is on land not controlled by the operator. As such, this application is refused for the above reason.

4.4 **Conclusion**

- 4.4.1 This application fails to comply with the fundamental requirements of Part 16, Class A of the GPDO 2015, which allows for operators to propose development "in, on, over or under land controlled by that operator". This land is under the ownership and control of the occupants of No. 39/41 Lawrence Avenue. Therefore, this application is refused.

5.0 **Recommendation**

5.1 **Refused.**

1. This application fails to comply with the fundamental requirements of Part 16, Class A of the GPDO 2015, which allows for operators to propose development "in, on, over or under land controlled by that operator". This land is under the ownership and control of the occupants of No. 39/41 Lawrence Avenue. Therefore, this application is refused.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 March 2025	