



APPLICATION NO: 11/22/0074

HYNDBURN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 192

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFUL DEVELOPMENT

The Hyndburn Borough Council hereby certify that on 25th February 2022 the development described in the First Schedule hereto in respect of the land specified in the Second schedule hereto and edged red on the plan attached to this certificate, would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides under article 3 and Schedule 2, Part 16, Class A, that permission is granted for [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.

The applicant is an electronic communications code operator; the application relates to already installed ground based electronic communications apparatus and to the proposed installation, alteration or replacement of antennae ('the proposed development') thereon; and, the proposed development complies with limitations (as relevant to the type/location of the apparatus) set by paragraph A1 of Class A, as follows: the 15m height limitation to such apparatus does not apply to antennae; the proposed development does not relate to a mast; and, whilst paragraph A2 (4) (a) requires that an application for determination if the Prior Approval is required in respect of article 2(3) land or land which is, or is within, a site of special scientific interest, the site is not on such land.

The conclusion is that the proposed development would be 'permitted development' granted permission by Article 3 and Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended) and would thereby not require the planning permission of the Council, nor would an application for determination if the Prior Approval be required by the Order.

Signed:

Simon Prideaux

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Chief Planning and Transportation Officer

On behalf of Hyndburn Borough Council

Date: 13 June 2022

First Schedule : Proposed addition of antennae to an existing pole 15m in height installed on the highway that supports fibre internet cables

Second Schedule : Land on the footway of Ellerbeck Road adjacent to Wellfield House
Ellerbeck Road Accrington

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relate(s) to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.