

OFFICE OF THE DEPUTY PRIME MINISTER

ODPM Circular 10/2005
Office of the Deputy Prime Minister
Eland House, Bressenden Place, London SW1E 5DU

25 November 2005

PERMITTED DEVELOPMENT RIGHTS FOR ANTENNAS

INTRODUCTION

1. This Circular gives guidance on the permitted development rights for antennas found in Part 1, Class H and Part 25, Class A and Class B of the *Town and Country Planning (General Permitted Development) Order 1995 (the GPDO)*.
2. This Order was amended by Statutory Instrument 2935/2005, and comes into force on 25th November 2005. These amendments follow extensive consultation about the changes considered necessary to reflect the changes in antenna technology and perceived future demand for such technologies.
3. It should be remembered, however, that although this Circular gives guidance amounting to an interpretation of the Order, only the courts can interpret the law authoritatively.

BACKGROUND

4. The planning system is concerned with regulating the use of land in the public interest. The *Town and Country Planning (General Permitted Development) Order 1995 (the GPDO)* is intended to be a deregulatory mechanism that works by lessening the regulatory requirements of the planning system. By granting permission for specified types of relatively uncontentious development, the resources of the planning system can be deployed more efficiently.

5. As permitted development rights play a vital role in the planning system, it is important that they remain up to date and appropriate. The provisions in the GPDO for antennas were introduced in 1991, with amendments made in 1998 and 1999. They apply only to satellite dishes. Since then, however, significant technological advancements have been made – the development of broadband, for example. There is now a wide range of equipment used to deliver electronic communications, some of which does not fall within these permitted development rights. Therefore, in order to bring the GPDO up to date and to ensure that it does not discriminate between technologies, it is necessary to make amendments.
6. However, in setting the limits for permitted development, there is a balance to be struck between giving freedoms to individual householders and safeguarding the environment. The limitations and restrictions on permitted development rights for antennas are intended to protect the environment from unnecessarily large, unsympathetic or poorly sited antennas. This applies particularly in designated areas - such as conservation areas and Areas of Outstanding Natural Beauty.

DEFINITION OF ANTENNA

7. Any reference to ‘antennas’ should be taken as referring to all microwave¹ antennas, 25 defined in Article 1(2) of the order. This term covers both microwave and satellite antennas².
8. Generally, most conventional TV aerials (including their mountings and poles) have not been considered as being development, and therefore have not required planning consent because they are considered to be *de minimis*³.

DESIGNATED AREAS

9. Designated Areas refer to Conservation Areas, Areas of Outstanding Natural Beauty, the National Parks, and the Norfolk and Suffolk Broads. They are specified in Schedule 1, Part 2: Article 1(5) of the GPDO (and are often referred to as ‘Article 1(5) land’) as being land requiring additional protection from adverse visual impact.
10. There are special restrictions regarding the siting of antennas on buildings in designated areas.

¹ The term ‘microwave’ refers to that part of the radio spectrum above 1,000 MHz.

² Satellite dishes also use microwave frequencies, but they are transmitted from the geo-orbital satellite rather than terrestrially; they have a distinctive appearance and have unique line-of-sight requirements.

³ *De Minimis* - the shortened version of ‘*de minimis non curat lex*’ - is a legal maxim roughly translated as “the law does not concern itself with trifles.” It is legal principle applied by the courts and, as such, is not described or dealt with in the Planning Acts. It is applied where a trifling infringement is brought to the attention of the court, but where the deviation is of so little consequence that, if continued, would weigh little or nothing in the public interest and might properly be overlooked. What is treated as *de minimis* is the decision of the courts based on the facts of the case. It is not within the gift of the Local Authority Planning Departments, nor the ODPM, to decide whether or where the principle should be applied, nor can the decision of the courts be anticipated in this way.

LISTED BUILDINGS

11. There are separate controls for work affecting listed buildings. The installation of antennas on a listed building will usually require listed building consent.

PERMITTED DEVELOPMENT RIGHTS

12. The planning regulations for antennas within the GPDO relate to:
 - dwelling houses (Part 1, Class H of the GPDO)
 - buildings 15m or more in height (Part 25, Class A of the GPDO)
 - buildings below 15m in height (Part 25, Class B of the GPDO)
13. In all cases, there are additional restrictions for buildings in designated areas.

Annex A: sets out the permitted development rights for antennas installed on dwelling houses, and dwelling houses in designated areas.

Annex B: sets out the permitted development rights for antennas installed on buildings under 15m (excluding dwelling houses) and such buildings in designated areas.

Annex C: sets out the permitted development rights for antennas installed on buildings 15m or more in height, and such buildings in designated areas.

14. The regulations are formatted around three elements:
 - the number of antennas ;
 - the size of antennas;
 - the location restrictions of antennas.

NUMBERS OF ANTENNAS

15. The permitted development rights provided by the GPDO, as amended, allow two antennas on buildings below 15m (including dwelling houses); and four on buildings 15m or more in height.

SIZE OF ANTENNAS

16. The sizes of antennas permitted by the GPDO for buildings below 15m in height (including dwelling houses) are, in the case of single antennas, up to 100cm in length; and in the case of any second antenna, up to 60cm in length. For buildings 15m or more in height, the maximum size for antennas is 130cm in length. For all buildings, chimney mounted antennas have a maximum size of 60cm in length.
17. The size of antennas is defined by cubic capacity as well as by length (linear dimension). This is because there are now a number of antennas which have a more pronounced three-dimensional profile than, for example, satellite dishes. The maximum cubic capacity is 35 litres. Antennas larger than 100cm in any linear dimension or 35 litres cubic capacity would require planning permission.

LOCATION OF ANTENNAS

18. For buildings below 15m in height (including dwelling houses), antennas are permitted to protrude above the highest part of the roof if the building has a chimney. In such cases, antennas may protrude by up to 60cm or the height of the chimney, whichever is the lower. For buildings 15m or more in height, antennas are permitted to protrude above the highest part of the roof by up to 300cm. In all cases, antennas are not permitted to protrude above a chimney stack.
19. There are further restrictions for all types of building located in designated areas. Antennas are not permitted on a chimney, wall or roof slope which both faces onto and is visible from a road or a Broads waterway. The visibility requirement ensures that restrictions are not imposed unnecessarily.
20. Further good practice guidance may be found in the ODPM pamphlet, *A Householders' Planning Guide to the Installation of Antennas* available on the ODPM website.

JOHN STAMBOLLOUIAN

Head of Planning Development Control Division,
Office of Deputy Prime Minister

Addressed to:

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Greater London Authority
Regional Planning Bodies
Regional Development Agencies
Council of the Isles of Scilly

The Town Clerk, City of London
The National Park Officer, National Park Authorities in England
The Chief Planning Officer, The Broads Authority

Permitted Development for Antennas on Dwelling Houses

The regulations relating to antennas on dwelling houses are contained in the following table:

| | |
|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Numbers of antenna(s) | Up to 2 antennas are permitted. |
| Size of antenna(s) | <p>Single antennas are permitted to be up to 100 cm in length.</p> <p>For 2 antennas, one is permitted to be up to 100cm in length; any second antenna is limited to 60 cm in length.</p> <p>Chimney-mounted antennas are limited to 60cm in length.</p> <p>All antennas should be no greater than 35 litres cubic capacity.</p> |
| Location restrictions | <p>In dwelling houses which have a chimney stack: antennas should not protrude above the highest part of the roof by more than 60cm, or the highest part of the chimney, whichever is the lower.</p> <p>In dwelling houses without a chimney stack: antennas should not protrude above the highest part of the roof.</p> <p>Antennas should not protrude above the highest point of the chimney.</p> |
| Restrictions in Designated Areas | Antennas are not permitted on a chimney, wall or roof slope which both faces onto and is visible from a road or a Broads waterway. |

Permitted Development for Antennas on Buildings under 15m in height

The regulations relating to antennas on buildings under 15m in height (but not dwelling houses) are contained in the following table:

| | |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Numbers of antenna(s) | Up to 2 antennas are permitted. |
| Size of antenna(s) | <p>Single antennas are permitted to be up to 100 cm in length.</p> <p>For 2 antennas, only one is permitted to be up to 100cm in length; any second antenna is limited to 60 cm in length.</p> <p>Chimney-mounted antennas are limited to 60cm in length.</p> <p>All antennas should be no greater than 35 litres cubic capacity.</p> |
| Location restrictions | <p>In buildings with a chimney stack: antennas should not exceed the highest part of the roof by more than 60cm, or the highest part of the chimney, whichever is the lower.</p> <p>In buildings without a chimney stack: antennas should not exceed the highest part of the roof.</p> <p>Antennas should not protrude above the highest point of the chimney.</p> |
| Restrictions in Designated Areas | Antennas are not permitted on a chimney, wall or roof slope which both faces onto and is visible from, a road or a Broads waterway. |

Permitted Development for Antennas on Buildings 15m or more in height

The regulations relating to antennas on buildings 15m in height or more are contained in the following table:

| | |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Numbers of antenna(s) | Up to 4 antennas are permitted. |
| Size of antenna(s) | All antennas are permitted to be up to 130 cm in length. Chimney-mounted antennas are limited to 60cm in length. All antennas should be no greater than 35 litres cubic capacity. |
| Location restrictions | Antennas should not exceed the highest part of the roof by more than 300cm. |
| Restrictions in Designated Areas | Antennas are not permitted on a chimney, wall or roof slope which both faces onto and is visible from a road or a Broads waterway. |

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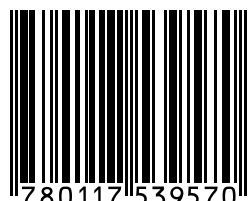
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