

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 16**

DELEGATED DECISION FOR DISCHARGE OF CONDITION - NOTIFICATION OF TELECOMMUNICATIONS DEVELOPMENT

Reference no. 2025/N /92163/W

Site Address	Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 7AA
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Description	Prior notification for installation EE Ltd and H3G valmont phase 7 MK2 streetworks pole and associated works
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Recommending Officer	Molly Storer
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DECISION – DETAILS APPROVED

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kevin Walton

AUTHORISED OFFICER

Date: 18-Sep-2025

THE SITE

The application site refers to an area of land on the pavement at Blackmoorfoot Road, Crosland Hill, Huddersfield, West Yorkshire, HD4 5NF.

The Pole is to be located close to the junction of Blackmoorfoot Road and Crosland Hill Road. The proposed site has rough ground immediately behind it which has a caravan storage area beside it. Opposite the site is largely commercial with open areas beyond.

THE PROPOSAL

The Scheme

The proposal seeks to provide a replacement telecommunication facility, ensuring improved mobile network coverage for the surrounding area in line with evolving technological needs.

The proposal is for the installation of a new 20m monopole and associated antennas that will provide continued and improved coverage for EE, H3G LTE and ESN for this area of Huddersfield when the existing site is decommissioned. The proposed new facility will require the installation of a limited number of equipment cabinet housing radio equipment at ground level and in close proximity to the base of the pole.

The works involve:

- 20m street works pole.
- Wrap around cabinet around the pole which will measure ~0.6m x ~1.4m.
- An EE Wiltshire cabinet on root foundation to the southwest of the pole.
- An EE unilateral cabinet on route foundation also to the southwest of the pole.
- A H3G unilateral cabinet on root foundation to the northeast of the pole.
- A H3G bowler cabinet on root foundation also to the northeast of the pole.
- Two litter bins will be relocated, one slightly further to the southwest and one slightly further to the northeast.
- A 0.66m high stone wall stopped with a 1.3m timber fence to the rear of the pole and associated antennas.
- The associated antennas will project no further than 1m from the wall to the rear and will have a combined width along the whole footpath of ~12m. However, it will be separated from the highway by ~2.5m.

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 amended part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 updated on 4th April 2022 and are the regulations against which this application is submitted.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application: -

- Application Form
- Site specific supplementary information form
- Developers notice
- Letter to site provider
- GPDO Covering letter
- Photo montages
- Existing site plan
- Proposed plans

PLANNING HISTORY

There is planning history surrounding the site including for the erection of 35 dwellings to the north of the site (2000/90617) and for the caravan site to the north. However, there is no planning history for this particular section of footpath.

REPRESENTATIONS

Publication of the application has been undertaken in accordance with the Table 1 of the Kirklees Development Management Charter. As such, this application has been publicised by site notice. The expiry date of the publicity period was the 29th August 2025.

Letters of Objection

None

Letters of Support

None

Letters of Comment

None

CONSULTATIONS

The following consultations have been undertaken for this application with the summarised responses listed below.

Kirklees Council Highways Development Management – Informal consultation where they raised no objections.

PROCEDURAL MATTERS AND POLICY CONTEXT

The proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. Class A of Part 16 of Schedule 2 of The General Permitted Development (England) Order 2015 (as amended), permits the following development:

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 18 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.

The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs A.1, A.2 and A.3 of the Town and Country Planning (General Permitted Development) Order 2015 (England) (as amended).

Paragraph A.1 is broken down into 10 subsections, covering a wide array of communication-based development. Subsection 1 – 'ground-based apparatus' is relevant to the proposed development.

Subsection 1: ground-based apparatus	
(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;	Pass: The apparatus being installed with a height over 15m above ground level is a mast and is therefore exempt.
b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres	Pass: The apparatus is a replacement (from another site) with a height over 15m above ground level is a mast and is therefore exempt.

above ground level, whichever is the greater;	
(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of— (i)30 metres above ground level on unprotected land; or (ii)25 metres above ground level on article 2(3) land or land which is on a highway	Pass: The site is on the highway but is not within article 2(3) land. The mast's height excluding the antennae would not exceed 30m
(d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of – (i) 30 metres above ground level on unprotected land; or (i) 25 metres above ground level on article 2(3) land or land which is on a highway; or	Pass: The mast's height excluding the antennae would not exceed 30m.
(e) in the case of the alteration or replacement of a mast – (i) The mast is on any land which is, or is within a site of special scientific interest, and The mast would, when altered or replaced, exceed the original width of the mast by more than one third.	Pass: The proposal seeks a replacement (from another site) which is not located on any land that is within a site of special scientific interest.

With regard to the ground base cabinets, paragraph 7 of Class A provides a planning permission providing the base area of each cabinet does not exceed 1.5 sq metres. In this instance each of the cabinets do not exceed 1.5 sq metres in area.

The proposal has been assessed to comply with Paragraph A.1. Thus, the proposal is authorised via Class A, subject to the conditions and restrictions outlined in Paragraph A.2 and Paragraph A.3 of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022.

Paragraph A.2 outlines a set of conditions that the developer must adhere to. Condition (4) stipulates the need for the developer to comply with paragraph A.3, which includes the requirement to submit an application for Prior Notification from the Local Planning Authority.

Prior Notification is required for the following considerations:

- Siting
- Appearance

Furthermore, under the procedures outlined in paragraph A.3, the Council is required to consult relevant bodies and advertise the application by site notice, this has been undertaken.

The application is for a telecommunications notification for approval of siting and appearance, and is not an application for planning permission. Notwithstanding this fact, insofar as it relates to siting and appearance local and national planning policy is used as a frame of reference against which to assess this proposal.

Local guidance and policy is provided by the Kirklees Local Plan as such the following legislation, policy and guidance is considered most relevant to the determination of this application:-

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP4 – Providing Infrastructure
- LP7 – Efficient and effective use of land and buildings
- LP21 – Highway Safety
- LP22 – Parking
- LP24 – Design

National Planning Policy

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 10 – Supporting high quality communications
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-design places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Legislation

The Town and Country Planning (General Permitted Development) Order 2015 (as amended)

ASSESSMENT

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Principle Policy LP4 of the Kirklees Local Plan is relevant to the consideration of this application and sets out that Desirable infrastructure is described as infrastructure which would improve the capacity and deliver place making benefits. This policy sets out that the council will work with partners to bring forward the necessary and proportionate desirable infrastructure.

Chapter 10 of the NPPF sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.

Paragraph 120 of the NPPF sets out that where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Paragraph 122 sets out that for a new mast or base station, evidence should be provided that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met. In relation to how Local planning authorities must determine applications paragraph 123 of the NPPF sets out the determination must be on planning grounds only, not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

The applicant has detailed alternative sites / options and why they have been discounted. The alternative options provided by the applicant do not offer any location which would result in an equally or lesser impact upon visual or residential amenity by reason of alternative locations which are either more isolated or have existing telecommunication mast present. Moreover, there are no buildings in the vicinity which could be considered more appropriate or of a

height to accommodate the equipment. In this case it is considered that sufficient information has been provided to satisfactorily demonstrate that new infrastructure is required to be installed.

Subject to an acceptable assessment in relation to highway safety, siting and appearance (discussed in detail in the following report) the proposal is concluded to accord with policies LP1, LP2 & LP4 of the KLP and Chapter 10 of the NPPF.

Highway Safety

Section 9 ('Promoting sustainable transport') of the Government's National Planning Policy Framework document is relevant together with policies LP21 and LP22 of the Kirklees Local Plan and relate to access and highway safety and parking provision for new development. The Council's adopted Highways Design Guide SPD s also considered to be of relevance.

The proposal would see the siting of equipment cabinets and telecoms monopole at the rear of the pavement upon the adopted highway.

KC Highways Development management were informally consulted and stated that the footpath is wide enough to accomaodate the development and there is sufficient parking for services.

There is excellent visibility along this stretch of road, and it is considered that in this case it would be unreasonable of the LPA to refuse the siting of the proposal on the basis of impact upon access and highway safety. The proposal is therefore concluded to be acceptable in this regard and in accordance with the aforementioned policies.

Siting and appearance

Section 12 ('Achieving well-designed places') of the Government's National Planning Policy Framework document is relevant. Policy LP24 of the Kirklees Local Plan is considered to be of relevance to the consideration of this notification. Paragraph 11.8 of the Kirklees Local Plan sets out that all telecommunications infrastructure should be capable of accommodating changes in technological requirements, without having a negative impact on the streetscene.

The development would see an increase of 'street furniture' Currently there are only bins in this section of the street. Other items within the footpath are street lighting columns, the proposed monopole is of an '3G' design. The section of Blackmoorfoot Road along which the proposal would be sited, is relatively open given the site is adjacent to a car park and industrial shed. The character of the locality has an urban feel, where development such as that which is proposed is not uncommon or not expected to be in place.

The development would result in a strident mast, due to its width, height and antenna. However, taking into account the siting is associated with a variation

of open and developed land, with some landscape and mature trees it is therefore considered that, in this case, the impact of the proposal upon the character / visual amenity of the locality would not be of such significance as to warrant refusal. It is considered the monopole would be visually in keeping in terms with the colour finish being grey and given the site is viewed against a backdrop of trees, bushes / shrubs.

Given the distance of the proposal from the nearest neighbouring residential properties, and scale of the proposal it is considered the impact to properties to the nearest neighbouring properties would not be of such a degree that the proposal would be unacceptably oppressive.

The proposal is therefore concluded to be acceptable in terms of its visual impact and impact upon the residential amenity of neighbouring occupiers and would accord with Policy LP24 of the Kirklees Local Plan and the policies within Chapter 12 of the NPPF.

Health

Issues relating to health including, actual and perceived risks to health are material planning considerations. However, in respect to telecommunications equipment and health, it is the Government's firm view that the planning system is not the place for determining health safeguards; if a proposed mobile station meets ICNIRP guidelines for public exposure, it should not be necessary for the Local Planning Authority to consider further health aspects and concerns about them other than any direct impact upon medical impacts¹. The applicant has confirmed that members of the public cannot unknowingly enter areas close to the antennas where exposure may exceed the relevant guidelines and in this instance the equipment is not located near any buildings where medical impact are likely to be affected, e.g. care homes, hospitals.

CONCLUSION

On the basis of the inclusion of the recommended condition the proposal is concluded to meet the requirements of policy LP4 of the Kirklees Local Plan and Chapters 10 & 12 of the NPPF and have an acceptable visual impact. The development is not considered to be detrimental to access and highway safety or the health of the wider public.

It is therefore considered that the principle of the development is acceptable, subject to the impact upon siting and appearance – in this case the impacts of such on access and highway safety / visual amenity being concluded to be acceptable.

The proposal is therefore considered to be acceptable, prior notification is therefore recommended to be approved.

Recommendation: PRIOR APPROVAL REQUIRED AND GRANTED

Decision Authorisation: Delegated Powers
Application Number: 2025/92163
Officer Recommendation: Approve

Note: The Council's Highways Development Management Team recommend the submission of a construction management plan and maintenance plan to the Local Authority in conjunction with the proposed development of the hereby approved 5G telecoms installation.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written consent of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 9318765) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Note: Details of the provision to be made for the safe parking, loading and unloading of equipment by crane and the parking of the workforce during construction works, including details of any traffic management and appropriate licenses or legal agreements should be agreed with the Kirklees Street Works Team.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing site plan	38714 KKS306	-	31/07/2025
Existing and proposed plans	38714 KKS306	-	31/07/2025
Developers notice	NTQ 38714	-	31/07/2025
Site specific supplementary information	-	-	31/07/2025
Letter to site provider	NTQ 38714	-	31/07/2025
GPDO Covering letter	NTQ 38714	-	31/07/2025
Photo montage 1	-	-	04/08/2025
Photo montage 2	-	-	04/08/2025
Application form	-	-	31/07/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

Report Dated: 17th September 2025

