

**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. 2026/N /92170/E

Site Address	Moorlands Avenue, Dewsbury, WF13 2JZ
---------------------	---

Description	Prior notification for installation of 20m high Orion streetworks monopole hosting 6 antennas, 6 ERS, equipment housing and other ancillary development
--------------------	--

Recommending Officer	Joshua Merriman
-----------------------------	------------------------

DECISION – DETAILS REFUSED

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

John Holmes

AUTHORISED OFFICER

Date: 28-Sep-2026

THE SITE

The application site relates to Moorlands Avenue, Dewsbury, WF13 2JZ, an open area of land adjacent to Moorlands Avenue and Moorlands Road, currently characterized by a grassed area of land and a footway, sited in front of a stone boundary wall partitioning the footway from the adjacent allotments.

The application site is a predominantly residential area, and has an example monopole sited further East on Moorlands Avenue.

THE PROPOSAL

The Scheme

The applicant is seeking Prior notification for installation of 20m high Orion streetworks monopole hosting 6 no. antennas, 6 no. ERS, equipment housing.

The proposal would see a ground based equipment cabinet which is 1.75m in height x 3.72m in width and is at a minimum distance of 4.43m from the curb. The width of the footpath being proposed as 2.46m at the section where the proposal would be sited, incorporating the proposal for a newly engineered footpath.

The proposed monopole would be 20m in height.

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
- Indicative Visuals
- Site Specific Supplementary Information
- Kirklees Inclusive Economy Strategy
- Leeds City Region Strategic Economic Plan
- Tree Report AIA and Method Statement
- Montage Pack

PLANNING HISTORY

There is no relevant planning history at the application site.

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 27/08/2026.

Letters of Objection

- I, nor any residents in the surrounding area, including Moorlands Road, Moorlands Avenue and Willans Road have – to my knowledge – been directly notified of the erection of this 20m monopole, aside from the single page notice posted on a lamppost nearby. At the very least, the lack of communication regarding this planned project to the residents who will be most affected by the sight of this tower is disconcerting.

Officer Comment: The application has been publicised by site notice in accordance with the requirements of the regulations applicable to the determination of this application seeking prior approval.

- The street already has an existing monopole, and a large collection of cabinets and equipment housing to accompany it, which was already installed without warning to us local residents. A single eyesore such as this is more than enough to distract from and ruin the view of the local area; a second installation would be even more damaging to character and appearance of the area.

Officer Comment: The visual impacts of the proposal are addressed within the 'Assessment' section of this report.

- The supplementary information provided states that the chosen location will minimise visual impact by hiding it behind the Northfield allotments and tree cover. The allotments do nothing to hide the monopole, nor do the trees hide the monopole from view, for anyone a quarter way up Moorlands Road, down to the top of Willans Road. Furthermore, the proposed views are flawed and fails to consider that for half of the year, while the trees are leafless, this monopole will be even more visually prominent, and seen by even more residents during this period. Additionally, the monopole is planned to be painted light grey, similar to the existing monopole nearby, which anyone who has seen it can tell you that it far from assimilates to its environment.

Officer Comment: The visual impacts of the proposal are addressed within the 'Assessment' section of this report.

Letters of Support

None

Letters of Comment

- I would like to be notified of any changes to the proposed works prior to implementation if this involves the siting of the mast.

Officer Comment: There have been no alterations to the proposed works up to the time of recommendation.

CONSULTATIONS

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

KC Trees – No objection.

KC Highways Development Management – No response received.

KC Highways Structures – No objection subject to condition.

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 height of the equipment would not exceed 15m.
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 above ground level, whichever is the greater;	N/A: The proposal seeks a new installation.
(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 20m.
(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	N/A: The proposal seeks a new installation.
(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	N/A: The proposal seeks a new installation which is not located on any land that is within a site of special scientific interest.

replaced, exceed the original width of the mast by more than one third.	
---	--

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 five 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 4 – Achieving sustainable development

Chapter 5 – Meeting the challenge of climate change

Chapter 9 – Supporting high quality communications

Chapter 12 – Making effective use of land

Chapter 14 – Achieving well-design places

Chapter 19 – Conserving and enhancing the natural environment

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 4 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 9 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 CO1(b) 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 be sited and designed to minimise the visual impact of the proposals, especially in situations where a new site or structure is proposed, so far as practical taking into account its operational requirements;

Paragraph CO1(a) 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 CO1(2) 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 application has been submitted with an ICNIRP certificate which details that the impact upon health would not be over and above that which is recognised as being acceptable by recognised guidelines.

The applicant has detailed alternative sites / options and why they have been discounted.

The nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

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 9 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 Structures have stated they have no objection and recommend a condition requiring details of the design and construction for the new 20m high monopole to be submitted to the LPA. Given the requirement for highway authority approval given the works are within the adopted highway it is considered it would be unnecessary for inclusion of the recommended condition in this case.

There is good visibility along this stretch. It is considered that in this case, notwithstanding that there has not been a response of the Highways DM Team, it would be unreasonable of the LPA to refuse the siting of the proposal on the basis of impact upon access and highway safety.

It is noted that the proposal would alter the route of the existing footpath and require the creation of a footpath extension around the infrastructure. However, weight is afforded the fact that the route would be largely available along its existing alignment and that there would be a required width of the footpath maintained. It is considered this realignment of the path would not be of such significance to warrant refusal in this case.

The proposal is therefore concluded to be acceptable in this regard.

Siting and appearance

Section 14 ('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.

Policy DP3(1) of the NPPF details that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

It is noted that Policy CO1 of the NPPF sets out considerations for new telecommunications infrastructure, and sets out *'substantial weight should be given to the benefits of maintaining or improving network coverage, capacity, reliability and resilience, including where significant improvements are required such as along rail corridors. This includes, but is not limited to, providing for next generation wireless technologies (such as standalone 5G), gigabitcapable broadband connections and supporting infrastructure such as fibre exchanges'*

The development would see an increase of 'street furniture'. Currently there is little in this section of the street. Other items within the footpath are street lighting columns and trees, the proposed monopole is of an up to date '5g' design which is slightly wider than the previous monopole designs seen elsewhere in the district. The section of Moorlands Avenue along which the proposal would be sited, is relatively open given the site is adjacent to a small area of open land and allotments to the rear.

The infrastructure would be located upon the existing footpath and would see loss of an area of green space which would be required to be hard surfaced to accommodate a re-aligned footpath.

Despite the submitted documents showing the monopole to be screened by trees in the area, it is noted that the proposal will not benefit from this all year round, and the visual amenity of the area would be harmed given the removal of soft landscaping adjacent to Moorlands Avenue, as well as potential interference with nearby trees which are considered to contribute to the visual amenity of the area.

The proposed infrastructure would be read when approaching from the east or west in conjunction with an existing recently installed telecommunications installation. The overall visual impact of the combination of this would be significant given the size and scale of both the existing infrastructure and that which is proposed.

The proposal would represent a visual intrusion which would detrimentally impact upon the character of the locality due to the monopoles appearance and siting considering its setting in close proximity to existing infrastructure and location in a prominent part of the street.

The combined detrimental impact upon soft landscaping and natural features in the area, cluttering of the street scene as a result of a second monopole and associated street furniture within a small area, lead to the conclusion that the development would be visually unacceptable and appear as an incongruous and detrimental feature within the street scene.

The proposal is therefore concluded to be unacceptable in terms of its visual impact and impact, failing to accord with Policy LP24 of the Kirklees Local Plan and the policies within Chapter 14 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. The applicant has confirmed that the proposal would conform to ICNIRP Public Exposure Guidelines and given the fact this proposal relates to a prior notification application it is considered that this matter is not a material consideration relevant to the determination of this application.

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 Chapter 9 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 – however, in this case the impacts of such on visual amenity are concluded to be unacceptable.

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

Recommendation: PRIOR APPROVAL REQUIRED AND REFUSED

Decision Authorisation: Delegated Powers

Application Number: 2026/92170

Officer Recommendation: Refused

Reason(s) for Refusal

- 1) By virtue of its siting and appearance, the proposed development would have a detrimental visual impact upon the wider locality and appear as an overly prominent and incongruous feature along this section of Moorlands Road. The impact would be compounded by the loss of soft landscaping in the street scene, and increased clutter of telecommunications equipment in the locality and associated street furniture within close proximity of an existing telecommunications installation. The development would fail to harmonise with the character of this part of Moorlands Road contrary to policies LP1, LP2 and LP24a of the Kirklees Local Plan and the policies contained within Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	100RevA	-	04/08/2026
Existing Site Plan	200RevA	-	04/08/2026
Proposed Site Plan	201RevB	-	04/08/2026
Existing Elevations	300RevA	-	04/08/2026
Proposed Elevations	301revB	-	04/08/2026
Application Form	-	-	04/08/2026
Indicative Visuals	-	-	02/09/2026
Site Specific Supplementary Information	JET 219	-	04/08/2026
Kirklees Inclusive Economy Strategy	-	-	04/08/2026
Leeds City Region Strategic Economic Plan	-	-	04/08/2026
Tree Report, AIA, and	Jet21 – 2026	-	04/08/2026

Plan Type	Reference	Version	Date Received
Method Statement	BS5837		
Montage Pack	JET219	-	04/08/2026

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 beyond the scope of amendments.