

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/X5210/C/18/3199851

A. APPELLANT DETAILS

Name

. . .

Company/Group Name

CTIL and Telefonica UK Ltd

Address

Building 1330 The Exchange
Arlington Business Park
Theale
RG7 4SA

Preferred contact method

Email



Post



A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice?

Yes



No



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Ian Waterson

Company/Group Name

Town Planning Solutions Ltd

Address

3 Croft Close
Bomere Heath
SHREWSBURY
Shropshire
SY4 3PZ

Phone number

07988876382

Email

ian.waterson@town-planning-solutions.co.uk

Your reference

CTIL-206714 Crown House

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	London Borough of Camden
LPA reference number (if applicable)	EN17/0611
Date of issue of enforcement notice	09/03/2018
Effective date of enforcement notice	20/04/2018

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/>
Address	Crown House 265-267 Kentish Town Road LONDON NW5 2TP		
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
What is your/the appellant's interest in the land/building?			
Owner	<input checked="" type="checkbox"/>		
Tenant	<input type="checkbox"/>		
Mortgagee	<input type="checkbox"/>		
None of the above	<input type="checkbox"/>		

E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?	Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/>
(a) That planning permission should be granted for what is alleged in the notice.	<input checked="" type="checkbox"/>		

The facts are set out in

☒ the box below

Planning permission should be granted for the development carried out, for the following reasons:

1. Telefónica UK Limited (trading as O2) has entered into an agreement with Vodafone Ltd pursuant to which the two companies jointly operate and manage their mobile networks across the UK. These arrangements, overseen and managed by Cornerstone Telecommunications Infrastructure Ltd (CTIL) a joint-venture company owned by these two electronic communications code operators, have allowed the two organisations to pool their basic network infrastructure. By running a shared single-grid, 4G and two independent, 2G and 3G nationwide networks; the opportunities to consolidate and reduce the number of radio base stations have been maximised, significantly reducing the environmental impact of network development in accordance with long established Government policy.

2. O2 and Vodafone are both Ofcom licensed Electronic Communications Code Operators, and there is a demonstrable need for the development carried out at the enforcement notice site to meet the operators' Spectrum Licence obligations. The installation of the shared rooftop radio base station at

the enforcement notice site has enabled the two operators to provide replacement 2G, 3G and 4G mobile electronic communications services to this part of Camden in the public interest. Its installation follows the decommissioning and loss of existing 2G, 3G and 4G RF coverage to the area from a shared rooftop radio base station in Anglers Lane, Kentish Town, as a result of the service of a Notice to Quit by the landowner.

3. All reasonable steps have been taken to minimise the visual impact of the development on the building and surrounding area having regard to the technical, operational and legislative requirements that applied in this case.

4. The development carried out is an appropriate and acceptable form of development on this commercial rooftop in a busy town centre location. It accords with the provisions of the Development Plan and other material considerations including, Government planning policy in the NPPF and the Code of Best Practice on Mobile Network Development in England.

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact. ☐

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development"). ☐

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. ☐

(e) The notice was not properly served on everyone with an interest in the land. ☐

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. ☐

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why. ☒

The facts are set out in

☒ the box below

If planning permission cannot be granted for the development carried out, the time period specified for complying with the enforcement notice is too short. It is considered a minimum of 18 months is required to: identify a replacement site; obtain permission from the landowner and the LPA for its development; build and commission the shared replacement radio base station; and then remove the existing installation.

The specified period in the enforcement notice should be changed to 18 months, the same length of time as is granted planning permission by the GPDO for the installation of electronic communications apparatus in an emergency, without the need for a prior approval or planning application to the LPA.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☒ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☒

2. Hearing ☐

3. Inquiry ☐

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes ☐ No ☒
2. Are there any planning reasons why a fee should not be paid for this appeal? Yes ☐ No ☒

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☐ No ☒

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:

☒ see 'Appeal Documents' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Ian Waterson

Date

06/04/2018 12:24:06

Name

Mr Ian Waterson

On behalf of

. . .

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the

address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement Notice.pdf

The documents listed below are to follow by post:

Relates to Section: GROUNDS AND FACTS
Document Description: Facts to support that planning permission should be granted for what is alleged in the notice.

Relates to Section: GROUNDS AND FACTS
Document Description: Facts to support why the time given to comply with the notice is too short. Also state what you consider to be a reasonable compliance period, and why.

Completed by MR IAN WATERSON

Date 06/04/2018 12:24:06