

GROUND G

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Part 16 of the GPDO gives Code Operators (emergency) rights for 18 months to use land to station moveable telecommunications apparatus to replace unserviceable apparatus. This time was increased from 6 months when Part 16 was amended mainly to account for the time it takes for Code Operators to secure a new communications site should one be lost (the emergency). Two months is not enough time for a Code Operator to secure a new site in this area of London. The appellant is aware of the Inspector's findings in APP/X5210/C/18/3199851 and APP/X5210/C/18/3201008 however consider that the situation is different. In this case the appellant has acted in good faith on the basis that the installed apparatus is permitted development. The appellant has not therefore sought a different site the installed apparatus falls within the limits of Part 16. The Notice practically has the effect for the appellant of restarting that clock. On that basis, the appellant would seek the time to comply with the Notice to be 18 months