



Delegated Report

Telecommunications Prior Approval Application

Planning Application No:	20260482
Location:	Colewood New Knights Place Rochester Kent
Description:	Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications installation of 1 no. power generator and ancillary works thereto.
Applicant:	EE Limited
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Application form
Drawing no. 002 Site Location Plan
Drawing no. 100 Existing Site Plan
Drawing no. 150 Proposed Site Plan
Drawing no. 200 Existing Site Elevation
Drawing no. 250 Proposed Site Elevation
Developers Notice
Planning, Design and Access Statement (7 May 2026)
Site Specific Supplementary Information
Digital Infrastructure Extract from Connected Growth – Toolkit for Places
Institute of Engineering and Technology Guide: Allaying health concerns regarding 5G and exposure to radio waves
Mobile RAN Power Resilience: Technical Report and CFI Update (10 February 2025)

Relevant Planning History

Reference	Description	Decision	Decision Date
20240712	The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of the installation of 3 no. proposed antennas on new poles. Existing 3 no. antennas to be relocated to new poles. Removal of 1 no. cabinet and installation of 1 no. proposed cabinet.	No objection	07.08.2024
20211441	Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed upgrade to existing 22.0m High Lattice Tower on concrete base (Top of Tower +23.55m AGL) and associated ancillary works.	Telecomm - Prior Approval not required	17.01.2022
20190438	Removal of 3 no. antennas on existing mast and	Permitted	28.06.2019

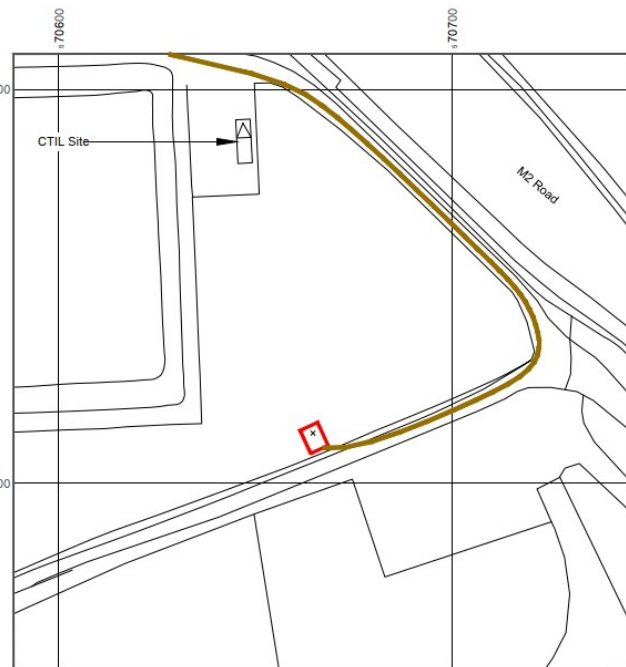
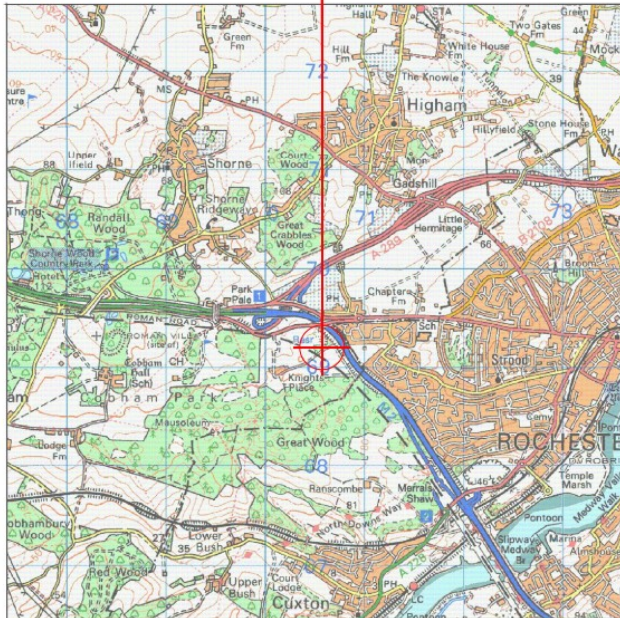


	installation of 6 no. antennas and 3 no. 600 millimetre dish antennas and associated apparatus, removal of 3 no. equipment cabinets at ground level and installation of 9 no. equipment cabinets and associated ancillary works.		
20100144	Replacement of existing antennas on existing mast and installation of cabinet within existing compound.	Permitted	26.04.2010
20020916	Installation of a 22.5 metre high lattice mast with three antennae, four dishes, equipment cabinet and associated development.	Permitted	10.03.2003

Site Description

The application site is located at Colewood, approximately 102m south-west of the M2 and around 3.9km from Rochester. The proposed generator would be located adjacent to an existing radio base station within a woodland area. Woodland surrounds the proposed site, beyond which lies the M2, running in a north-west to south-east alignment. The site is located away from any residential properties, with the nearest dwelling situated over 175m to the north-east, separated by intervening woodland and the motorway.

SITE LOCATION



The site accommodates an existing base station. The site is located within Kent Downs National Landscape, Green Belt and Ashenbank and Cobham Parkland Landscape Character Area.

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS02 – Scale and Distribution of Development
- CS01 – Sustainable Development
- CS07 – Economy, Employment and Skills
- CS10 – Physical and Social Infrastructure
- CS12 – Green Infrastructure
- CS18 – Climate Change
- CS19 – Development and Design Principles

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 10 – Supporting High Quality Communications
- Section 12 – Achieving Well-Designed Places

Supplementary Planning Guidance

- Design for Gravesham – Design Code (2024)
- Gravesham Landscape Character Assessment (2009)

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

GBC Environmental Protection

There is no objection to this application.

The site is at a sufficient distance from any dwellings and any noise is likely to be masked by traffic noise for the M2.

An ICNIPR Declaration has been submitted.

Neighbouring properties

The application has been advertised on site. The overall consultation period expired on 19 June 2026.

No letters of representation have been received.

Cobham Parish Council and Local Ward Councillors were also consulted but no responses were received.

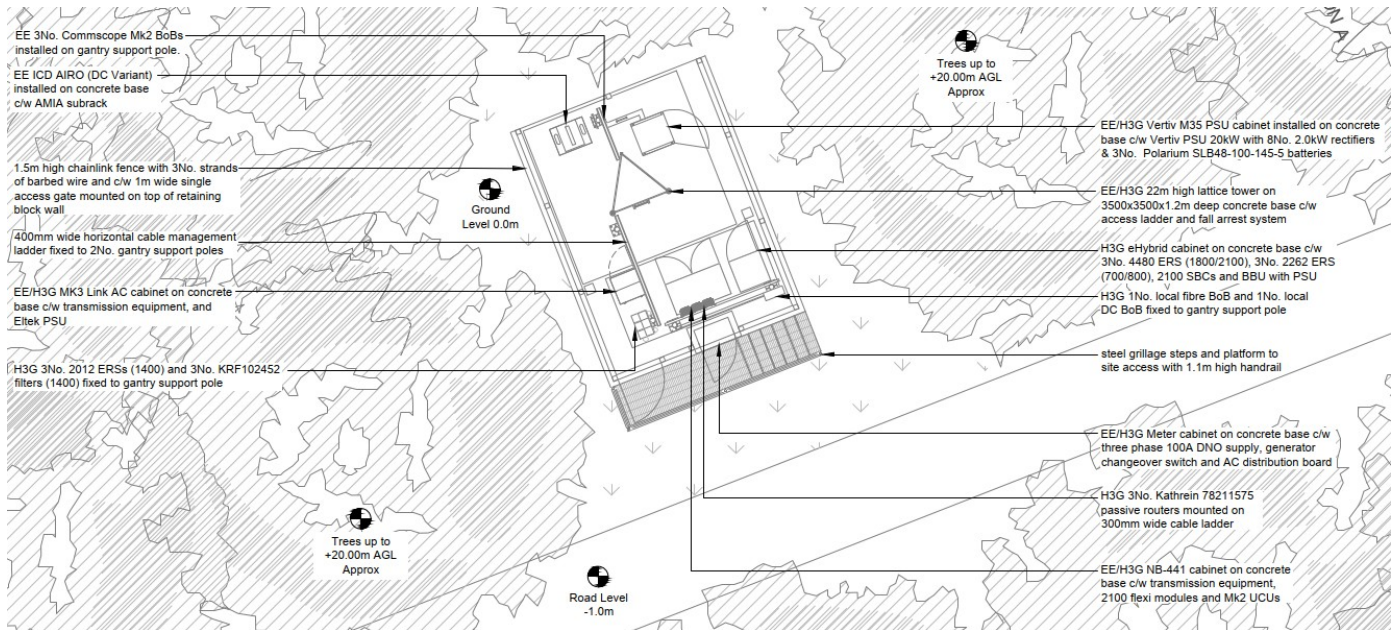
Officer's Analysis

Proposal

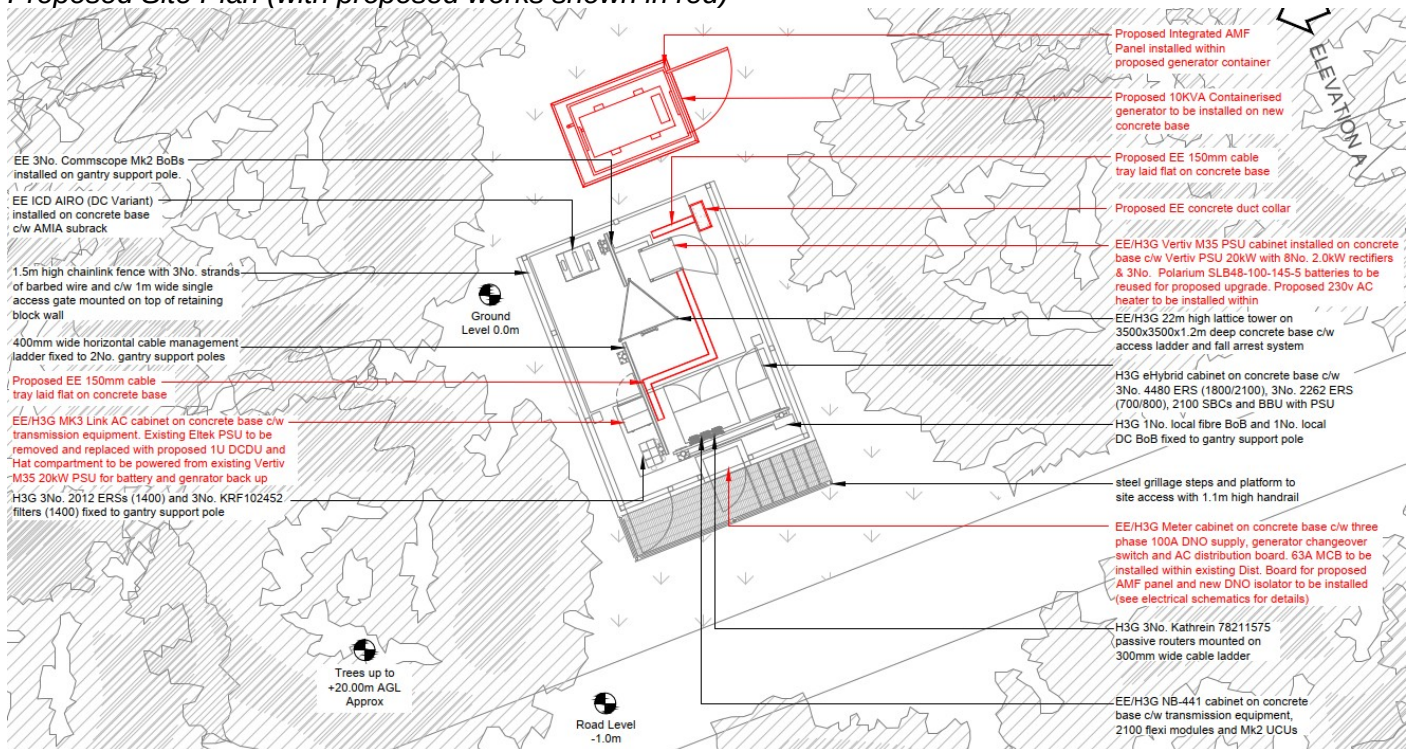
The description of development seeks to upgrade the existing site which comprises:

- Installation of 1 no. power generator
- Other associated ancillary development including:
 - o Internal upgrade of existing equipment cabinets
 - o Installation of 150mm cable tray laid flat on concrete base

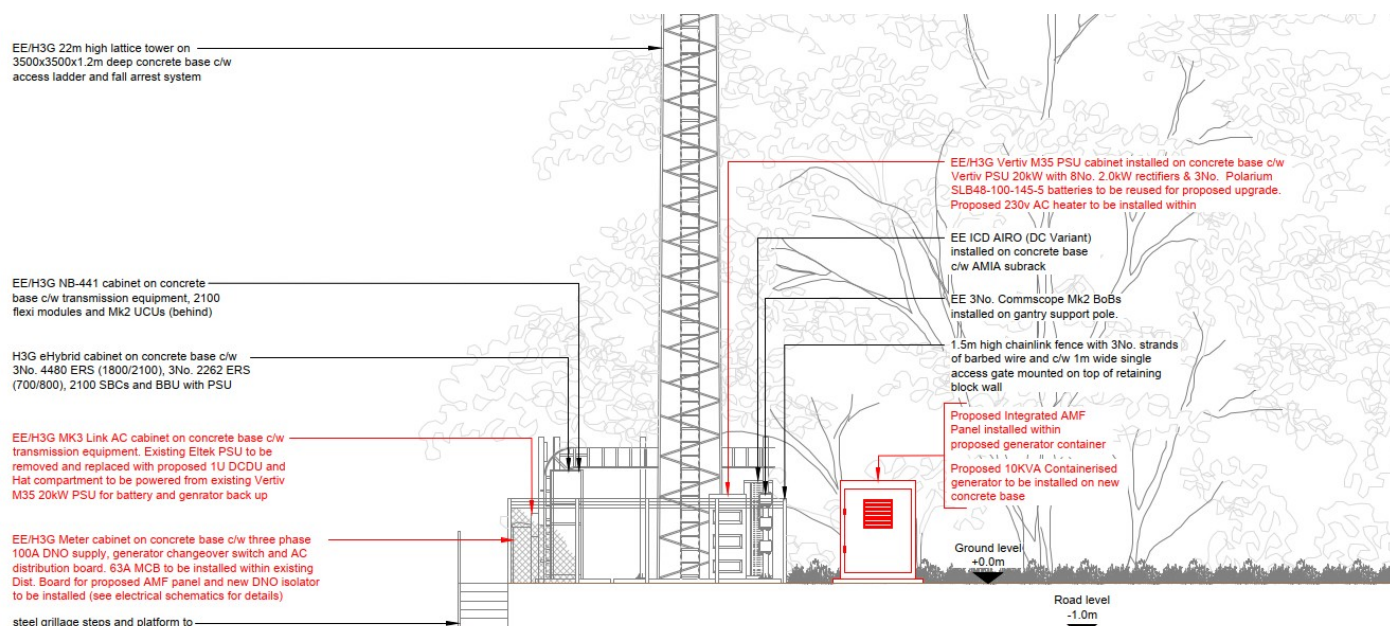
Existing Site Plan



Proposed Site Plan (with proposed works shown in red)



Proposed Site Elevation



The installation of electronic communications apparatus can be permitted development under Schedule 2, Part 16, Class A (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

Development not permitted, specifically ground-based apparatus (as in this case), is set out at paragraph A.1 (1) and (7).

A.1 (1) states as follows:

Development not permitted: ground-based apparatus

(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—

- (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;

The proposal involves the installation of a generator to be installed on a concrete base. It will be approximately 4.3m high. The proposal therefore complies with A.1 (a).

- (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;

The generator will be below 15m above ground level. The proposal therefore complies with A.1 (b).

- (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;

The proposal does not involve the installation of a mast and therefore A.1 (c) is not relevant.

- (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
- (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or

The proposal does not involve the alteration or replacement of a mast; therefore A.1 (1) (d) is not relevant.

(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
- (ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.

The proposal does not involve the alteration or replacement of a mast; therefore A.1 (1) (e) is not relevant.

A.1 (7) relates to any electronic communications apparatus:

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

- (a) a mast;
- (b) an antenna;
- (c) a public call box;
- (d) any apparatus which does not project above the level of the surface of the ground; or
- (e) radio equipment housing,

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres.

The generator has a ground or base area of more than 1.5 square metres (5.1 square metres). In this instance, therefore, the development is not permitted and planning permission is therefore required.

The applicant has applied for prior approval, which is the process where Class A(a) development is permitted, it is subject to the conditions set out under A.2 , which includes the circumstances where prior approval would be required. However, as the development is not permitted, the prior approval process is not appropriate.

Conclusion

The proposal falls under the **development not permitted** criteria as set out in Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with regards to the ground or base area limit set out under A.1 (7), which is exceeded. As the proposal would not be permitted development, planning permission is required. This application for prior approval is therefore refused.

Recommendation

Refuse.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Mrs Faye Walsh
Signed:	<i>K. Parkin</i>	Signed:	<i>F Walsh</i>
Dated:	25th June 2026	Dated:	26 June 2026