

**PLANNING COMMITTEE - 11TH SEPTEMBER, 2002**

**Report of the Chief Planning Officer**

**ENFORCEMENT ITEM**

Parish: Pitminster

1. **File/Complaint Number** E207/30/2002
2. **Location of Site** Land off Fosgrove Lane, Poundisford, Taunton.
3. **Names of Owners** O2 (UK) Limited - Agents, Needham Haddrell, 68 Old Market Street, BRISTOL, BS2 0EJ
4. **Names of Occupiers** O2 (UK) Limited
5. **Nature of Contravention**

Siting of a temporary 15 m high mobile telephone mast with associated antenna attached to a trailer with integral housing.

6. **Planning History**

The mast was brought onto the above site in October 2001. Its purpose was to provide a service for customers of O2 (UK) known at that time as BT Cellnet Ltd. Agents for the company, Needham Haddrell submitted a letter stating that in their view the mast could be positioned on the land as permitted development as stated in Schedule 2 part 24 of the Town and Country Planning (General Permitted Development) Order 1995. The section refers to the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, including the provision of movable structures on the land for the purpose of that use. It appears that the existing mast previously approved, was at no time out of action or the existing mast unserviceable. Also the temporary mast has been on site in excess of six months. The existing mast is owned by Orange PCS Ltd and they have been approached by O2 (UK) Ltd to share the mast but to date this does not appear to have been agreed.

7. **Reasons for taking Action**

It is the opinion of the Local Planning Authority that the temporary mast together with the existing mast constitutes a visual intrusion which is detrimental to the visual amenities of the area.

**8. Recommendation**

The Solicitor to the Council be authorised to serve an enforcement notice and prosecution proceedings subject to satisfactory evidence if the notice is not complied with.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mr J A W Hardy Tel: 356479**