



**Departments of the Environment and Transport**

Yorkshire and Humberside Regional Office

City House Leeds LS1 4JD

Telex 55472

Telephone 0532 438232 ext 2290

ART 44280 86/11

06/0 0015/ART

Director of Administration  
Scarborough Borough Council  
Town Hall  
SCARBOROUGH  
North Yorkshire  
YO11 2HG

Your reference PLO/JK  
Our reference YH/5341/19/4P  
Date 27 March 1987

Dear Sir

**ARTICLE 4 DIRECTION  
IRTON MOOR C.S.O.S.**

1. As you know, the Government Communications Headquarters have sought a direction under Article 4 of the General Development Order 1977 (as amended) in order to protect from possible interference their communications station at Irtton Moor, Scarborough.
2. The Secretary of State for the Environment has carefully considered GCHQ's request and has now decided to issue such a Direction covering Classes I(1)(3) and 5; IV(1) and (2); VI(1); VII; VIII(1)(iii); XVIII(C)(iv) and D(ii); XXIV and XXV of the GDO.
3. Copies of the Direction and a Notice advertising it are enclosed for your information. Arrangements have been made for the Notice to be published in "The Scarborough Evening News" and "Mercury" as well as in "The London Gazette" in about 3 weeks time. We are also, as far as practicable, serving individual notice on the occupiers of those properties affected by the Direction based on the list supplied earlier this year by Mr Williams of your Council. The Direction will come into force on the date on which the Notice is published.
4. Thank you for all your assistance in this matter.

Yours faithfully



27 NOV 1989

DEPARTMENT OF THE ENVIRONMENT  
TOWN AND COUNTRY PLANNING ACT 1971  
TOWN AND COUNTRY PLANNING GENERAL  
DEVELOPMENT ORDERS 1977-1985  
TOWN AND COUNTRY PLANNING (NATIONAL PARKS, AREAS OF OUTSTANDING NATURAL BEAUTY  
AND CONSERVATION AREAS, ETC) SPECIAL DEVELOPMENT ORDER 1985  
LAND SURROUNDING IRTON MOOR COMPOSITE  
SIGNALS ORGANISATION STATION

Notice is hereby given that the Secretary of State for the Environment has issued a Direction under Article 4 of the Town and Country Planning General Development Order 1977 as amended, the effect of which is that the permission granted by Article 3 of that Order shall not apply to any development of the kind specified in the First Schedule to the Order on land within a 1.5 kilometre radius surrounding the GCHQ Composite Signals Organisation Station at Irton Moor, in the Parishes of East Ayton, Irton, Seamer and Scarborough as follows:-

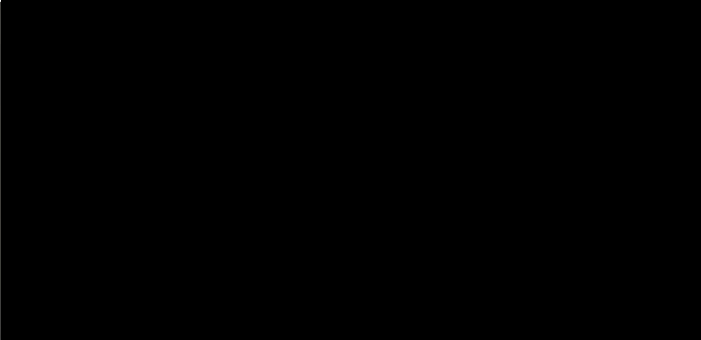
Development within Class I(1), (3) and (5); Class IV(1) and (2); Class VI(1); Class VII; Class VIII(1)(iii); Class XVIII(C) (iv) and (D) (ii); Class XXIV; and Class XXV.

The effect of the Direction is that the following developments which are permitted by the General Development Order 1977 as amended may not now be carried out within the area covered by the Direction without the permission of the local planning authority (Scarborough DC):-

- (a) almost all developments within the curtilage of a dwelling house which would otherwise have been permitted by the Order;
- (b) the erection of temporary buildings and temporary uses of land;
- (c) building or engineering works on agricultural land and building and other operations on land used for forestry which would otherwise have been permitted by the Order;
- (d) certain development for industrial purposes;
- (e) certain development required for the purposes of water or hydraulic power undertakings;

- (f) certain development required for the purposes of gas undertakings;
- (g) certain development required for the purposes of an operator's telecommunication system;
- (h) certain developments for the purposes of a terrestrial microwave antenna and satellite antenna which would otherwise have been permitted by the Order.

The direction comes into effect on 1987 and a copy of the Direction, and of the map defining the area to which it relates, may be inspected at the offices of Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough and the Regional Office of the Department of the Environment, Room 1112, City House, New Station Street, Leeds, during normal working hours.



Regional Controller  
Department of the Environment

10 APRIL 1987

TOWN AND COUNTRY PLANNING ACT 1971  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDERS 1977-85  
DIRECTION UNDER ARTICLE 4 LAND SURROUNDING IRTON MOOR  
COMPOSITE SIGNALS STATION, NORTH YORKSHIRE

WHEREAS The Secretary of State for the Environment is satisfied that it is expedient that development of the descriptions set out in Schedules 1 and 2 hereto should not be carried out in the area surrounding Irton Moor Composite Signals Organisation Station in the parishes of East Ayton, Irton, Seamer and Scarborough which is more particularly shown hatched red on the map (Schedule 1) and hatched green (being an area within the North York Moors National Park) (Schedule 2) annexed hereto unless permission therefor is granted on application made in that behalf under the Town and Country Planning General Development Order 1977 as amended.

NOW THEREFORE The Secretary of State in pursuance of the powers conferred upon him by Article 4 of the Town and Country Planning General Development Order 1977 as amended

HEREBY DIRECTS that the permission granted by Article 3 of the said Order shall not apply to any development on the said land of the description set out in the Schedules hereto.

## SCHEDULE 1

## 1. DEVELOPMENT WITHIN CLASS I(1), (3) AND (5)

PARA 1 The enlargement, improvement or other alteration of a dwellinghouse (other than by the carrying out of operations within paragraph 2A of this class) so long as:

- (a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than
  - (i) in the case of a terrace house, 50 cubic metres or 10%, whichever is the greater; or
  - (ii) in any other case, 70 cubic metres or 15%, whichever is the greater, subject (in either case) to a maximum of 115 cubic metres;
- (b) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;
- (c) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;
- (d) no part of the building (as so enlarged, improved or altered) which lies within a distance of 2 metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding 4 metres;
- (e) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed 50% of the total area of the curtilage excluding the ground area of the original dwellinghouse:

Provided that:-

- (a) the erection of a garage or coachhouse within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including the calculation of cubic content) if any part of that building lies within a distance of 5 metres from any part of the dwellinghouse;
- (b) the erection of a stable or loose-box anywhere within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including the calculation of cubic content);
- (c) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise);
- (d) where any part of the dwellinghouse will, as a result of the development, lie within a distance of 5 metres from an existing garage or coachhouse, that building shall (for the purpose of the calculation of cubic content) be treated as forming part of the dwellinghouse as enlarged, improved or altered; and
- (e) the limitation contained in subparagraph (d) above shall not apply to development consisting of:-

(i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or

(ii) any other alterations to any part of the roof of the original dwellinghouse.

PARA 3 The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling, stable, satellite antenna or loose-box) required for a purpose incidental to the enjoyment of the dwellinghouse as such including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, so long as:

(a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;

(b) in the case of a garage or coachhouse, no part of the building is within a distance of 5 metres from any part of the dwellinghouse;

(c) the height does not exceed, in the case of a building with a ridged roof 4 metres, or in any other case, 3 metres;

(d) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed 50% of the total area of the curtilage excluding the ground area of the original dwellinghouse.

PARA 5 The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating so long as:

(a) the capacity of the tank does not exceed 3500 litres;

(b) no part of the tank is more than 3 metres above the level of the ground;

(c) no part of the tank projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway.

Being development comprised within Class I(1), (3) and (5) referred to in Schedule 1 to the said Order and not being development comprised within any other class.

## 2. DEVELOPMENT WITHIN CLASS IV(1) AND (2)

PARA 1 The erection or construction on land in, on, over or under which operations other than mining operations are being or are about to be carried out (being operations for which planning permission has been granted or is deemed to have been granted under Part III of the Act, or for which planning permission is not required), or on land adjoining such land, of buildings, works, plant or machinery needed temporarily in connection with the said operations, for the period of such operations.

PARA 2 The use of land (other than a building or the curtilage of a building) for any purpose or purposes except as a caravan site on not more than 28 days in total in any calendar year (of which not more than 14 days in total may be devoted to use for the purpose of motor car or motor-cycle racing or for the purpose of the holding of markets), and the erection or placing of moveable structures on the land for the purposes of that use:

Provided that for the purpose of the limitation imposed on the number of days on which land may be used for motor car or motor-cycle racing, account shall be taken only of those days on which races are held or practising takes place.

Being development comprised within Class IV(1) and (2) referred to in Schedule 1 to the said Order and not being development comprised within any other class.

### 3. DEVELOPMENT WITHIN CLASS VI(1)

PARA 1 The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations [(other than engineering operations to which paragraph 4 below applies)] requisite for the use of that land for the purposes of agriculture (other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings), so long as:-

(a) the ground area covered by a building erected pursuant to this permission does not, either by itself or after the addition thereto of the ground area covered by any existing building or buildings (other than a dwellinghouse) within the same unit erected or in course of erection within the preceding 2 years and wholly or partly within 90 metres of the nearest part of the said building, exceed 465 square metres;

(b) the height of any buildings or works does not exceed 3 metres in the case of a building or works within 3 kilometres of the perimeter of an aerodrome, nor 12 metres in any other case;

(c) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.

Being development comprised within Class VI(1) referred to in Schedule 1 to the said Order and not being development comprised within any other class.

### 4. DEVELOPMENT WITHIN CLASS VII

The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land, so long as:-

(a) the height of any buildings or works within 3 kilometres of the perimeter of an aerodrome does not exceed 3 metres;

(b) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.

Being development comprised within Class VII referred to in Schedule 1 to the said Order and not being development comprised within any other class.

### 5. DEVELOPMENT WITHIN CLASS VIII(1)(iii)

PARA 1 Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than (i) in contravention of previous planning control or (ii) without planning permission granted or deemed to be granted under Part III of the Act) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:-

(iii) the installation or erection, by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;

So long as the external appearance of the premises of the undertaking is not materially affected.

Provided that the erection on land within the curtilage of any such building of an additional building to be used in connection with the original building shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same curtilage are used as one unit for the purposes of the undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings, and the reference to the aggregate floor space as a reference to the total floor space of those buildings.

Being development comprised within Class VIII(1)(iii) referred to in Schedule 1 to the said Order and not being development comprised in any other class.

#### 6. DEVELOPMENT WITHIN CLASS XVIII(C)(iv) AND (D)(ii)

##### C. Water or hydraulic power undertakings.

Development required for the purposes of the undertakings of any of the following descriptions, that is to say:-

(iv) the installation in a water distribution system of booster stations, meter or switch gear houses, not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity.

##### D. Gas undertakings.

Development required for the purposes of the undertaking of any of the following descriptions, that is to say:-

(ii) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure flow or volume of gas, and structures for housing such apparatus not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity.

Being development comprised within Class XVIII(C)(iv) and (D)(ii) referred to in Schedule 1 to the said Order and not being development comprised in any other class.

#### 7. DEVELOPMENT WITHIN CLASS XXIV

The carrying out of development by or on behalf of a telecommunications code system operator where the development is being carried out either -

(a) on land occupied by the operator in respect of which he is the estate owner in respect of the fee simple or he holds a lease granted for a term of not less than 10 years; or

(b) in pursuance of a right conferred on the operator under the telecommunications code, and in accordance with any conditions relating to the application of that code which have been imposed by the terms of his licence, and for the purposes of the operator's telecommunication system; and where the development is within any of the following descriptions:-

(1) the installation, alteration or replacement in, on, over or under land of any telecommunication apparatus where -

(a) in the case of the installation of apparatus (other than on a building or other structure), the apparatus does not exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of apparatus already installed (other than apparatus installed on a building or other structure), the apparatus does not when altered or replaced exceed the



height of the existing apparatus or a height of 15 metres above ground level whichever is the greater;

(c) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) does not exceed:-

(i) 15 metres where it is installed, or is to be installed, on a building or other structure which has a height of 30 metres or more; or

(ii) 10 metres in any other case;

(d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced does not exceed the height of the highest part of the existing building or structure by more than -

(i) 10 metres in the case of a building or structure which is 30 metres or more high;

(ii) 8 metres in the case of a building or structure which is more than 15 metres but less than 30 metres high; or

(iii) 6 metres in any other case;

(e) in the case of the installation, alteration or replacement of any apparatus other than a mast, any kind of antenna, a public call box or any apparatus which does not project above the level of the surface of the ground, the ground or base area of the structure does not exceed 1.5 square metres;

(f) in the case of the installation, alteration or replacement of any microwave antenna, or any apparatus which includes or is intended for the support of such an antenna, on a building or other structure -

(i) the building or other structure on which the antenna is installed or is to be installed exceeds a height of 15 metres;

(ii) the size of the antenna, when measured in any dimension, does not exceed 1.3 metres (excluding any projecting feed element);

(iii) the development does not result in the presence on the building or structure of more than two microwave antennas:

(2) the use of land in case of emergency, for a period not exceeding 6 months, for the stationing and operation of moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, and the erection or placing of moveable structures on the land for the purposes of that use.

Being development comprised within Class XXIV referred to in Schedule 1 to the said Order and not being development comprised in any other class.

#### 8. DEVELOPMENT WITHIN CLASS XXV

The installation, alteration or replacement on any building or other structure (except a dwellinghouse), in circumstances other than those set out in Class XXIV of this Schedule, of a microwave antenna and any structures intended for the support of such an antenna where -

(a) the building or other structure on which the antenna is installed or is to be installed exceeds a height of 15 metres:

(b) in the case of a terrestrial microwave antenna -

(i) the size of the antenna, when measured in any dimension, does not exceed 1.3 metres (excluding any projecting feed element); and

(ii) the highest part of the antenna or its supporting structure is not more than 3 metres higher than the highest part of the existing building or structure on which it is installed;

(c) in the case of a satellite antenna, the size of the antenna, taken together with its supporting structure (but excluding any projecting feed element), does not exceed 90 centimetres;

(d) the development does not result in the presence on the building or structure of more than two microwave antennas.

Being development comprised within Class XXV referred to in Schedule 1 to the said Order and not being development comprised within any other class.

SCHEDULE 2

1. DEVELOPMENT WITHIN CLASS I(1), (3) AND (5)

PARA 1 The enlargement, improvement or other alteration of a dwellinghouse (other than by the carrying out of operations within paragraph 2A of this class) so long as:

- (a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or 10%, whichever is the greater, subject to a maximum of 115 cubic metres;
- (b) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;
- (c) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;
- (d) no part of the building (as so enlarged, improved or altered) which lies within a distance of 2 metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding 4 metres;
- (e) the area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) does not thereby exceed 50% of the total area of the curtilage excluding the ground area of the original dwellinghouse:

Provided that:

- (a) the erection of a garage, stable, loosebox or coachhouse within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including calculation of cubic content);
- (b) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise); and
- (c) the limitation contained in subparagraph (d) above shall not apply to development consisting of:-
  - (i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or
  - (ii) any other alterations to any part of the roof of the original dwellinghouse.

PARA 3 The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling, stable, satellite antenna, loosebox, garage or coachhouse) required for a purpose incidental to the enjoyment of the dwellinghouse as such including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, so long as:-

- (a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;

(b) the height does not exceed, in the case of a building with a ridged roof, 4 metres, or in any other case, 3 metres;

(c) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed 50% of the total area of the original dwellinghouse.

PARA 5 The erection or placing within the curtilage of a dwellinghouse of a tank for the storage of oil for domestic heating so long as:

(a) the capacity of the tank does not exceed 3500 litres;

(b) no part of the tank is more than 3 metres above the level of the ground;

(c) no part of the tank projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway.

Being development comprised within Class I(1), (3) and (5) referred to in Schedule 1 to the said Order and not being development comprised within any other class.

## 2. DEVELOPMENT WITHIN CLASS IV(1) AND (2)

PARA 1 The erection or construction on land in, on, over or under which operations other than mining operations are being or are about to be carried out (being operations for which planning permission has been granted or is deemed to have been granted under Part III of the Act, or for which planning permission is not required), or on land adjoining such land, of buildings, works, plant or machinery needed temporarily in connection with the said operations, for the period of such operations.

PARA 2 The use of land (other than a building or the curtilage of a building) for any purpose or purposes except as a caravan site on not more than 28 days in total in any calendar year (of which not more than 14 days in total may be devoted to use for the purpose of motor car or motor-cycle racing or for the purpose of the holding of markets), and the erection or placing of moveable structures on the land for the purposes of that use.

Provided that for the purpose of the limitation imposed on the number of days on which land may be used for motor car or motor-cycle racing, account shall be taken only of those days on which races are held or practising takes place.

Being development comprised within Class IV(1) and (2) referred to in Schedule 1 to the said Order and not being development comprised within any other class.

## 3. DEVELOPMENT WITHIN CLASS VI(1)

PARA 1 The carrying out on agricultural land having an area of more than one acre and comprised in an agricultural unit of building or engineering operations [(other than engineering operations to which paragraph 4 below applies)] requisite for the use of that land for the purposes of agriculture (other than the placing on land of structures not designed for those purposes or the provision and alteration of dwellings), so long as:-

(a) the ground area covered by a building erected pursuant to this permission does not, either by itself or after the addition thereto of the ground area covered by any existing building or buildings (other than a dwellinghouse) within the same unit erected or in course of erection within the preceding 2 years and wholly or partly within 90 metres of the nearest part of the said building, exceed 465 square metres;

(b) the height of any buildings or works does not exceed 3 metres in the case of a building or works within 3 kilometres of the perimeter of an aerodrome, nor 12 metres in any other case;

(c) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.

Being development comprised within Class VI(1) referred to in Schedule 1 to the said Order and not being development comprised within any other class.

#### 4. DEVELOPMENT WITHIN CLASS VII

The carrying out on land used for the purposes of forestry (including afforestation) of building and other operations (other than the provision or alteration of dwellings) requisite for the carrying on of those purposes, and the formation, alteration and maintenance of private ways on such land, so long as:-

(a) the height of any building or works within 3 kilometres of the perimeter of an aerodrome does not exceed 3 metres;

(b) no part of any buildings (other than moveable structures) or works is within 25 metres of the metalled portion of a trunk or classified road.

Being development comprised within Class VII referred to in Schedule 1 to the said Order and not being development comprised within any other class.

#### 5. DEVELOPMENT WITHIN CLASS VIII(1)(iii)

PARA 1 Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than (i) in contravention of previous planning control or (ii) without planning permission granted or deemed to be granted under Part III of the Act) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:-

(iii) the installation or erection, by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;

so long as the external appearance of the premises of the undertaking is not materially affected.

Provided that the erection on land within the curtilage of any such building of an additional building to be used in connection with the original building shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same curtilage are used as one unit for the purposes of the undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings, and the reference to the aggregate floor space as a reference to the total floor space of those buildings.

Being development comprised within Class VIII(1)(iii) referred to in Schedule 1 to the said Order and not being development comprised in any other class.

#### 6. DEVELOPMENT WITHIN CLASS XVIII(C)(iv) AND (D)(ii)

C. Water or hydraulic power undertakings.

Development required for the purposes of the undertakings of any of the following descriptions, that is to say:-

(iv) the installation in a water distribution system of booster stations, meter or switch gear houses, not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity.

Gas undertakings.

Development required for the purposes of the undertaking of any of the following descriptions, that is to say:-

- (ii) the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure flow or volume of gas, and structures for housing such apparatus not exceeding (except where constructed underground elsewhere than under a highway) 29 cubic metres in capacity.

Being development comprised within Class XVIII(C)(iv) and (D)(ii) referred to in Schedule 1 to the said Order and not being development comprised in any other class.

**7. DEVELOPMENT WITHIN CLASS XXIV**

The carrying out of development by or on behalf of a telecommunications code system operator where the development is being carried out either -

- (a) on land occupied by the operator in respect of which he is the estate owner in respect of the fee simple or he holds a lease granted for a term of not less than 10 years; or

- (b) in pursuance of a right conferred on the operator under the telecommunications code, and in accordance with any conditions relating to the application of that code which have been imposed by the terms of his licence,

and for the purposes of the operator's telecommunication system; and where the development is within any of the following descriptions:-

- (1) the installation, alteration or replacement in, on, over or under land of any telecommunication apparatus where -

- (a) in the case of the installation of apparatus (other than on a building or other structure), the apparatus does not exceed a height of 15 metres above ground level;

- (b) in the case of the alteration or replacement of apparatus already installed (other than apparatus installed on a building or other structure), the apparatus does not when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level whichever is the greater;

- (c) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) does not exceed:-

- (i) 15 metres where it is installed, or is to be installed, on a building or other structure which has a height of 30 metres or more; or

- (ii) 10 metres in any other case;

- (d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced does not exceed the height of the highest part of the existing building or structure by more than -

- (i) 10 metres in the case of a building or structure which is 30 metres or more high;

- (ii) 8 metres in the case of a building or structure which is more than 15 metres but less than 30 metres high; or

(iii) 6 metres in any other case;

(e) in the case of the installation, alteration or replacement of any apparatus other than a mast, any kind of antenna, a public call box or any apparatus which does not project above the level of the surface of the ground, the ground or base area of the structure does not exceed 1.5 square metres;

(f) in the case of the installation, alteration or replacement of any microwave antenna, or any apparatus which includes or is intended for the support of such an antenna, on a building or other structure -

(i) the building or other structure on which the antenna is installed or is to be installed exceeds a height of 15 metres;

(ii) the size of the antenna, when measured in any dimension, does not exceed 1.3 metres (excluding any projecting feed element);

(iii) the development does not result in the presence on the building or structure of more than two microwave antennas.

(2) the use of land in case of emergency, for a period not exceeding 6 months, for the stationing and operation of moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, and the erection or placing of moveable structures on the land for the purposes of that use.

In the case of the installation of apparatus on or over land which is occupied by the operator and in respect of which either -

(a) he is the estate owner in respect of the fee simple; or

(b) he holds a lease granted for a term of not less than 10 years,

the operator shall (except in a case of emergency) give notice in writing to the local planning authority, not less than 8 weeks before the development is begun, of his intention to carry out such development; and where the operator needs to install apparatus on such land as a matter of emergency, he shall give written notice of such installation as soon as possible after the emergency begins; and

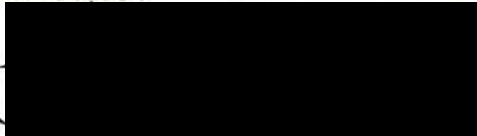
nothing in the permission is to be construed as authorising (except in a case of emergency) -

(a) the installation or alteration of a microwave antenna or of any apparatus which includes or is intended for the support of such an antenna; or

(b) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs in size, design, appearance or siting from that which is being replaced.

Being development comprised within Class XXIV referred to in Schedule 1 to the said Order and not being development comprised in any other class.

Signed by authority of the  
Secretary of State for the Environment  
1987

  
A Regional Controller in the  
Department of the Environment