

Delegated Report

Planning Reference 25/01172/TGDO
Applicant(s) Cornerstone
Ward Groby



Hinckley & Bosworth
Borough Council

Application Site Leicestershire Rifle Club,
Newtown Linford Lane, Groby

Proposal Removal of 6 no. antennas and 1 no. equipment cabinet, and installation of a 3m tower extension with the headframe relocated to the top (top height 26.5m), 3 no. new antennas, 3 no. transmission dishes, 1 no. equipment cabinet and ancillary development thereto

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. Prior Approval Given

2. Planning Application Description

2.1. This application seeks to determine whether prior approval is required for the installation of a 3 metre height extension to, and the relocation of the headframe to the top of, an existing electronic communications tower, alongside the provision of three new antennas, three new transmission dishes, and a new equipment cabinet at the electronic communications base station at the Leicestershire Rifle Club, Newton Linford Lane, Groby. The new equipment cabinet would externally measure 0.7 metres in width by 0.8 metres in depth by 2.1 metres in height, and the new proposed height of the tower would be 26.5 metres.

2.2. This proposed works is required in association with the Applicant's continued network programme to meet the growing demand on their networks and to provide high quality coverage to its customers in accordance with its operator's code licence. To facilitate this development, this proposal includes the removal of six existing antennas and the existing equipment cabinet.

3. Description of the Site and the Surrounding Area

3.1. The application site is located to the north of Groby in the designated open countryside within the Rothley Brook Meadow Green Wedge. The application site is identified within a Local Wildlife Site and the Risk Impact Zone of Groby Pool and Woods and the Sheet Hedges Wood, which are both Sites of Special Scientific Interest (SSSI).

- 3.2. The application site comprises an existing electronic communications base station, which is located within the car park of the Leicestershire Rifle Club on the western side of Newton Linford Lane, which is a classified 'C' road that is subject to the National Speed Limit.
- 3.3. Beyond the Rifle Club to the north of the site is open agricultural fields and the Groby Quarries. To the east of the site is further open agricultural fields and Public Footpath J73, which runs in an east and then northern direction away from the application site. Immediately to the west of the site is the Groby Pool Nature Area, and to immediately to the south of the site is Groby Meadow, which are both designated as amenity green spaces within the Council's Public Open Space Assessment (2025). Beyond Groby Pool Nature Area to the west is the Groby Pool and Woods SSSI, and the National Forest. The application site is separated from the wider built form of Groby, including the Groby Conservation Area, to the south by the A50.

4. Relevant Planning History

4.1 22/01107/TGDO

- Proposed upgrade to existing 21m High Lattice Tower to include 6No. Antennas and associated ancillary works
- General Development Order Tele
- 12.01.2023

4.2 07/00140/FUL

- Installation of 25m monopole associated antenna and equipment within fenced compound
- Permitted
- 23.03.2007

4.3 03/00808/FUL

- 21 metre mast telecommunications tower with two equipment cabinets and ancillary equipment
- Permitted
- 08.10.2003

5. Publicity and Consultation

- 5.1. The proposal would involve the alteration or replacement of a mast other than on a building which would be taller than the existing mast and would exceed a height of 25 metres above ground level, excluding antenna. As such, in accordance Paragraph A.2(3) of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), the prior approval conditions set out in Paragraph A.3 of this Class would apply to this application.

- 5.2. The consultation provisions detailed in Paragraphs A.3(6)(a), (ab), (b), and (c) of this Class would not be applicable to this development in these site-specific circumstances.
- 5.3. In accordance with Paragraphs A.3(1) and (2) of this Class, the Applicant gave notice to the local district councillors and Groby Parish Council. In addition, in accordance with Paragraphs A.3(6)(d) of this Class, notice was given of the proposed development by site display in at least one place and to the adjoining owner, Leicestershire Rifle Club, and to Groby Parish Council.
- 5.4. Paragraph A.3(7) of this Class A confirms that when determining applications as to whether prior approval of approval is required to the siting and appearance of the development. the Local Planning Authority must take into account any representations made to them as a result of consultations or notices given under Paragraph A.3 of this Class.
- 5.5. In this instance, no responses were received to the proposed development.

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

7. Appraisal

- 8.1. Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) confirms that the following development may represent Permitted Development, subject to the limitations and conditions of this class:

Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus; or
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or
- (c) development ancillary to radio equipment housing.

- 8.2. The proposal would represent the installation and replacement of electronic communications apparatus undertaken on behalf of the electronic communications code operator, Cornerstone, for the purposes of the operator's electronic communications network, which would accord with Class A(a) of this Part of the GPDO.
- 8.3. The main considerations for the determination of this application would therefore be whether the proposed development would comply with the limitations and conditions of Class A of this Part of the GPDO. In this instance, Paragraphs A.1(1) (Ground-Based Apparatus), A.1(3) (Apparatus on Masts), A.1(7) (Ground or Base Area), and A.1(9) (Radio Equipment Housing) of this Class would be considered to apply to this proposed development.

Ground-Based Apparatus

- 8.4. In accordance with Paragraph A.1(1) of Class A of this Part, 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;
 - (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;
 - (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.
 - (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

(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.

8.5. The development proposal would not include the installation or replacement of any communications apparatus (other than a mast) that would exceed a height of 15 metres above ground. The new equipment cabinet would only have a height of 2.1 metres. Therefore, the proposal would comply with Paragraph A.1(1)(a) of this Class.

8.6. The application site is on unprotected land and the proposed extension to the tower would not exceed 30 metres in height above ground level. The extension to the tower would not be on any land within a Site of Special Scientific Interest and the width of the mast would not be increased. As such, the proposal would comply with Paragraphs A.1(b), (c), (d), and (e) of this Class.

Apparatus on Masts

8.7. In accordance with Paragraph A.1(3) of this Class, development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in Paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.

8.8. The total height of the mast would not exceed 30 metres in height above ground level in accordance with the height limitations specified in Paragraphs A.1(1)(c) and (d) of this Class. Paragraph A.1(2) of this Class would not be applicable to this development proposal because the scheme would not include building-based apparatus. The development would therefore comply with Paragraph A.1(3) of this Class.

Ground or Base Area

8.9. In accordance with Paragraph A.1(7) of this Class, development consisting of the installation, alteration or replacement of electronic communications apparatus other than (a) a mast; (b) an antenna; (c) any apparatus which does not project above the level of the surface of the ground; or (d) 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.

8.10. The development would not consist of any electronic communications apparatus beyond that identified within Paragraph A.1(7) of this Class. The development would therefore comply with Paragraph A.1(7) of this Class.

Radio Equipment Housing

- 8.11. In accordance with Paragraph A.1(9) of this Class, development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—
- (a) the development is not ancillary to the use of any other electronic communications apparatus;
 - (b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or
 - (c) on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.
- 8.12. Paragraph A.1(9A) of this Class confirms that Paragraphs A.1(9)(b) and (c) of this Class do not apply where the development is carried out within a permitted compound (and accordingly the development described in that sub-paragraph is permitted by Class A(a)).
- 8.13. The proposed development's equipment cabinet would be ancillary to the use of other electronic communications apparatus, and its cumulative volume would not exceed 90 cubic metres. The application site is not within a Site of Special Scientific Interest and therefore Paragraph A.1(9)(c) of this Class would not be applicable to this development in these site-specific circumstances. The development would therefore comply with Paragraph A.1(9) of this Class.

Conditions

- 8.14. Paragraph A.2(1) of Class A of Part 16 of the GPDO states that Class A(a) and A(c) development of this Class is permitted subject to the conditions that—
- (b) the siting and appearance of any—
 - (i) mast;
 - (ii) electronic communications apparatus installed, altered or replaced on a mast;
 - (iii) antenna or supporting apparatus;
 - (iv) radio equipment housing; or
 - (v) development ancillary to radio equipment housing,

which has been constructed, installed, altered or replaced in a manner which does not require prior approval under Paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable;

(c) the siting and appearance of any development which is visible from a site which is—

- (i) article 2(3) land; or
- (ii) a scheduled monument or a Listed Building; or
- (iii) the curtilage of a scheduled monument or a Listed Building; or
- (iv) a World Heritage Site; or
- (v) a site designated by the Secretary of State under Section 1 of the Protection of Wrecks Act 1973; or
- (vi) land registered by Historic England in a register described in Section 8(c) of the Historic Buildings and Ancient Monuments Act 1953 ,

are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site;

(d) the siting of any development is such that it—

- (i) does not prevent pedestrians from passing along a footway;
- (ii) does not prevent access to premises adjoining a footway; and
- (iii) is determined having regard to—
 - (aa) the needs of disabled people; and
 - (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021.

8.15. Paragraph A.2(1)(a) of this Class would not apply to this development because the proposal would not involve any development on a building other than a building which is a mast.

8.16. The application site and the wider Leicestershire Rifle Club are surrounded by well-established trees and vegetation, which reduce the visual impact of the site on the character of the surrounding area. It is also noted that the application site features existing electronic communications apparatus, which were first approved by the Local Planning Authority in 2003.

- 8.17. Whilst the proposed development would increase the height of the existing apparatus by 3 metres, given the existing 23.5 metre height of the apparatus, the proposal would not be considered to result in any harm to the character of the surrounding area that would be significantly greater than the current visual impact of the existing apparatus. As such, the visual impact of the development would be considered to have been minimised as far as practicable, and in light of the existing built form within the site, the proposal would not be considered to result in any significant harm to the character of the surrounding area in these site-specific circumstances. The proposal would therefore be considered to comply with Paragraph A.2(1)(b) of this Class.
- 8.18. The application site is over 200 metres from the Groby Conservation Area, the closest Listed Buildings, and the Groby Castle Scheduled Ancient Monument, which are to the south and southwest of the application site. These locations are separated from the application site by the A50 and its associated well-established buffer landscaping, and the well-established trees and vegetation to the east and south of the application site. In light of these factors and the topography of the surrounding area, the existing electronic communications apparatus currently is visually screened from public views from Groby to the south.
- 8.19. The proposed minor increase to the height of the existing apparatus by 3 metres would not be considered to significantly increase the visual prominence of this structure. Given the above, the proposal would be considered to minimise the visual impact of the development from views from Article 2(3) land, Listed Buildings, Scheduled Monuments, World Heritage Sites, a site designated under the Protection of Wrecks Act 1973, and land registered in the Historic Buildings and Ancient Monuments Act 1953. The proposal would therefore be considered to comply with Paragraph A.2(1)(c) of this Class.
- 8.20. The siting of the development would not prevent pedestrians from passing along a footpath, nor would it prevent access to any premises adjoining a footway. Having regard to the needs of disabled people and the Department for Transport's Inclusive Mobility guidance document, the proposal would be considered to comply with Paragraph A.2(1)(d) of this Class.
- 8.21. The development proposal would not relate to an emergency, and therefore Paragraphs A.2(5A) and (5B) of this Class would not apply to the determination of this application.
- 8.22. In summary, the proposal would be considered to comply with the conditions of Paragraph A.2 of this Class.

8. Equality Implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

8.3 There are no known equality implications arising directly from this development.

8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

9.1 To conclude, the proposed development requires prior approval from the Local Planning Authority regarding the siting and appearance of the scheme. Based on the submitted details, the proposal would be considered to would comply with the relevant provisions of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and prior approval is therefore given.

10. Recommendation

10.1 Prior Approval Given

10.2 This application has been determined having regard to the following documents and plans submitted with the application to the Local Plannign Authority on 04 Decemeber 2025:

- Application Form
- Consultation Letters
- Covering Letter to Application
- Declaration with Clarification Letter
- Developers Notice
- General Background Information for Telecommunications Development
- Health and Mobile Phone Base Stations

- Site Location Plan, Drg No. 100 Rev A Existing, Proposed Site Plan, Drg No's. 200-201 Rev A Existing, Proposed Elevations, Drg No's 300-301 Rev A
- Supporting Digital Infrastructure Deployment in Your Local Area
- Supplementary Information