

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1146	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Replacement radio mast and antenna		
Site:	The Lynns, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HA, ,		
Validation Date	14 May 2026	Overall Expiry Date:	
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	16 Sep 2026
Target Date:	9 Jul 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	11
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	17 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1146

**The Lynns, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HA,
Replacement radio mast and antenna
Mr D Southam**

SUMMARY OF REPRESENTATIONS

Third party letters of representation were received from four properties in objection to the development. In summary, the following planning concerns were raised:

- Mast and antenna not required for the purposes of employment
- Signal interference
- Mast is not retracted as stated in application
- Invasion of privacy
- Concerns regarding mast safety, including maintenance, adverse weather conditions, impact on road and neighbouring properties, surrounding electrical cables and mast not tethered to ground
- Retrospective nature of the application
- Industrial design incongruent with surrounding residential dwellings and gardens in village setting
- Prominent, visually intrusive and height and scale of development is oppressive
- Visible from neighbouring property
- Overshadowing gardens
- Reflective
- Impact to mental health of neighbours due to impact on outlook and personal space
- Updated plans do not have dimensions on horizontal antenna
- Mast not tethered to ground
- Specification do not set out the width of development
- Impact outlook and have an overbearing impact on the area

Third party letters were received from three properties in support of the planning application, summarised as follows:

- Capability for emergency and resilience communications during periods when conventional networks are unavailable
- Telescopic mast designed to minimise its visual impact on surrounding area
- Mast can be retracted to reduce prominence within the streetscape and limiting effect on neighbouring properties
- Slim profile of mast lessens its visual presence when extended
- Ofcom license conditions imposed on maintenance of equipment to avoid neighbour interference
- Replacement mast will allow applicant to continue hobby
- Minimal visual impact unlikely to adversely affect neighbouring properties or the character of the area
- Constructed to high standard

The applicant also submitted a letter of representation, addressing the following:

- Mast installation carried out by qualified tradesmen in line with requirements set by manufacturer
- Mast sits within a purpose-built foundation to withstand severe weather conditions
- The mast can be tilted down in severe weather conditions or to effect maintenance, which sits within footprint of garden
- Signal interference unlikely

Furthermore, a supporting document was submitted by the applicant, signed by five properties in support of the application. This document is on the case file.

It should be noted that Matters relating to personal circumstances and land ownership disputes would not be considered material planning considerations and have therefore been omitted from this report.

SUMMARY OF CONSULTEES

Flood Risk and Drainage

No objection on surface water grounds.

Environmental Protection

'No significant adverse impacts relating to noise, air quality or other environmental protection matters are anticipated.'

Building Control

'Based on the description of works, assuming it is a standalone mast, it is not controlled works under Building Control.'

PARISH COUNCIL OBSERVATIONS

Worth Parish Council

'Worth Parish Council objects to the application on the grounds that the revised proposal introduces a freestanding mast on a substantial concrete pad foundation, creating a more prominent and permanent form of development than previously indicated. The Council shares residents' concerns regarding the visual impact of the structure and considers that insufficient justification has been provided to demonstrate that the scale and siting of the antenna would not adversely affect the character of the locality and neighbouring amenity.'

INTRODUCTION

The Lynns is a detached single storey dwelling located on Turners Hill Road within the Built-Up Area Boundary of Crawley Down. The area surrounding the site is characterised by a semi-rural and verdant landscape.

The retrospective application is made pursuant to S.73a of the Town and Country Planning Act 1990, as amended, for the erection of a radio mast and antenna in the rear garden of the application dwelling.

RELEVANT PLANNING HISTORY

WP/105/97 - Construction of attached garage - Permitted 24/10/1997

07/00914/FUL - Single Storey rear extension - Permitted 31/05/2007 - not implemented

SITE AND SURROUNDINGS

The application property is a detached single storey residential dwelling set back from Turners Hill Road/B2028, with a private driveway, attached garage and parking provision for approximately four vehicles. The dwelling comprises a screened façade, plain roof tiles and white uPVC fenestration.

A garden is located to the rear of the dwelling with a large hedge running along the eastern property boundary. The mast and antenna which form the subject of this retrospective application are located within the rear garden some 2 metres from the east elevation of the dwellinghouse.

The site is surrounded by residential properties to the north, south and east. The property to the north of the site is a two-storey detached dwelling comprising a brick façade, plain roof tiles and white uPVC fenestration and is built up to its southern boundary adjacent to the application site. To the south of the site, a detached single storey dwelling comprising part screened and tile hung façade, plain roof tiles and

white uPVC fenestration is set back from the highway with a private driveway. This property has undergone a loft conversion to create two floors with Velux windows installed on the roof slope. Three detached two storey residential properties are located to the east of the site and are similar in scale, form and design. To the West, a public footpath runs adjacent to the site boundary. Beyond that, Turners Hill Road/B2028 runs along the west of the property in a north/south direction with a large woodland located to the east of Turners Hill Road.

The application site is located within the built-up area of Crawley Down and the land to the west of the site boundary beyond Turners Hill Road falls within the Countryside as designated by the Mid Sussex District Plan.

The surrounding area is characterised by its verdancy and semi-rural village location.

APPLICATION DETAILS

The development is complete and the retrospective planning application is made pursuant to S.73a of the Town and Country Planning Act 1990, as amended, for the erection of a radio mast and antenna.

The radio mast is located in the rear garden some 2 metres from the rear elevation of the dwellinghouse and extends from 5.96 metres to 10.7 metres. A 1.5 metre high rotator stub pole connects the mast to the vertical antenna which measures 7.36 metres. A horizontal boom is installed on the rotator stub pole measuring some 2.71 metres in length with three boom lengths, the longest measuring 5.942 metres. The mast is situated within a 1-metre-deep concrete base.

The total height of the radio mast and antenna measures 14.82 metres when retracted and 19.56 metres when extended. The mast is extended and retracted manually using a winch. For the purposes of maintenance and repairs, the mast can tilt down to approximately 1.4 metres from ground height. The applicant has advised that this would only be effected for maintenance and repair work.

The mast is used by the applicant in relation to radio hosting for which the applicant holds an Office of Communication (Ofcom) License. A pre-existing radio mast and antenna which sits above the residential garage is still in working condition, however, the radio mast and antenna forming the subject of this planning application allows the applicant to drop the mast for maintenance and repairs without having to climb onto the roof of the garage. The pre-existing mast does not have planning permission, however, given the effluxion of time, it is now immune from enforcement action.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and the Crawley Down Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP26 - Design and Character
DP41 - Flood Risk and Drainage

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made in January 2016.

Relevant policies:

Policy B1 - Design

Policy CDNP06 - Sustainable Drainage Systems

Other Material Considerations

None

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant Policies:

DPB1 - Character and Design

DPS4 - Flood Risk and Sustainable Drainage

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (August 2026)

The National Planning Policy Framework sets out the government's policies for making decisions on development proposals in England. It is a material consideration of critical importance.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows:

- Design and character
- Impact on Neighbouring Amenities
- Flood Risk and Drainage
- Other material considerations
- Biodiversity net gain

Principle

The site lies within the settlement of Crawley Down and as such should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

Design and Character

Policy DP26 of the Mid Sussex District Plan states that '*All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside*' whilst Policy B1 of the Crawley Down Neighbourhood Plan states that '*A high standard of design, construction and layout will be expected in new buildings, including alterations and extensions.*'

However, this is considered to have very limited weight as they are materially inconsistent with the NPPF and therefore greater weight should be given to policy DP3 of the NPPF which sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

The Mid Sussex Design Guide seeks high quality design from all proposed development.

This retrospective application relates to the erection of a radio mast and antenna measuring some 14.82 metres when retracted and 19.56 metres when extended with a horizontal boom length of 2.71 metres and three horizontal antennas, the longest measuring 5.94 metres. The mast is constructed of metal and is situated in a 1metre deep concrete base within the rear garden, some 2 metres from the rear elevation of the dwellinghouse.

It is noted that the property has another working radio antenna which is installed on the roof of the dwellinghouse which does not have planning permission, but is immune from enforcement action due to the passage of time. Per the planning statement, the applicant has erected the radio mast and antenna with tilting mechanism allowing maintenance to be carried out at ground level.

The application property is located within a semi-rural setting and borders the countryside. Detached properties to the north, east and west have gardens adjacent to or facing the application site and are characterised by their verdancy, with mature trees and hedges. A mature woodland is located to the west of the site beyond Turners Hill Road.

The scale, form and siting of the radio mast and antenna at 14.82 metres when retracted and 19.56 metres when extended with a maximum horizontal antenna length of 5.942 metres would be considered a dominant and overbearing feature within a residential garden and a visually jarring development which is not considered to integrate seamlessly within the application site and surrounding area.

Furthermore, the urban and industrial design and materials of the radio mast and antenna would not be considered to respond to or enhance the semi-rural location or reflect the traditional housing materials used and the distinctive character of the verdant village setting within which the site is located.

The application dwelling is single storey and whilst obscuring a portion of the radio mast and antenna from the street scene, the height of the development at 14.82 metres, when retracted, and 19.56 metres, when extended, means it is visible beyond the ridge of the dwellinghouse from the street scene, including the footpath adjacent to the west property boundary and Turners Hill Road.

In this instance, the scale, form, siting and design of the mast and antenna within a residential garden surrounded by residential dwellings to the north, east and south within a verdant semi-rural setting is an overbearing and dominant feature, when both retracted and extended, which would be considered to impact the surrounding character of the area given the height of the radio mast and antenna at 14.82 metres when retracted and 19.56 metres when extended, which is considered incongruent with the semi-rural village setting and the surrounding one and two storey dwelling houses.

As such, the development would not be considered to respond to its context, integrate with and enhance its surrounding semi-rural landscape and the urban and industrial materials and architectural features would be considered incongruent with the village character of the site and surrounding properties resulting in unacceptable adverse effects contrary to policy DP26 of the District Plan, policy B1 of the neighbourhood plan and policy DP3 of the NPPF.

Impact on Neighbouring Properties

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27)'*. A similar ethos is contained within the Mid Sussex Design Guide SPD.

However, DP26 of the Mid Sussex District Plan is considered to have very limited weight as it is materially inconsistent with the NPPF and therefore greater weight should be given to policy P3 of the NPPF which sets out the key principles for living conditions and pollution. This sets out in part that proposals should *'not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree.'*

Given the nature of the development, the development would not be considered to cause unacceptable adverse impacts relating to air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.

Given the height and siting of the development, limited effects relating to overshadowing (daylight and sunlight) may be experienced, however, given the narrow form of the development's horizontal and vertical mast and antenna this would be considered limited. Furthermore, given the structure's metal composition and height, there is potential for limited effects relating to reflection (daylight and sunlight), however, it is not considered that these would result in an unacceptable adverse effects. As such, the development would accord with P3 of the NPPF.

Retrospective Nature of the Application

Policy DM8 of the NPPF relates to unauthorised development and enforcement and states in part that where enforcement action is considered expedient, it should consider the local enforcement plan, the impact on the breach of planning control and the extent to which the breach would otherwise be acceptable. In retrospective applications for unauthorised development, or through enforcement appeal, if the unauthorised development was intentional, based on evidence, it should be given substantial weight in considering whether to grant planning permission.

In this case, it would not be considered that evidence exists to demonstrate that the unauthorised development which forms the subject of this application was intentional and as such, the development would not be considered contrary to policy DM8 of the NPPF.

As such, the retrospective application is considered to have been made as a lawful part of the planning process pursuant to S.73a of the Town and Country Planning Act 1990 and whilst the retrospective nature is regrettable, this application must be considered on its planning merits without penalisation.

Flood Risk and Drainage

Policy DP41 of the District Plan and Policy CDNP06 of the Crawley Down Neighbourhood Plan relate to flood risk and drainage. However, they are considered to have very limited weight as they are materially inconsistent with the NPPF, and consideration should be given to policies F4 and F7 of the NPPF.

Policy F4 requires site specific flood risk assessments be appropriate to the development proposed and policy F7 requires development not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.

The site lies within flood zone 1 and is at a low risk of surface water flooding. The risk of flooding from surface water mapping shows the site to be low for the present day. Moreover, the development itself is located outside the area of risk of flooding from surface water which is localised to the west of the site.

The Council's Drainage Engineer has raised no objection to the application. As such the proposal is considered to be acceptable in respect of its impact on flood risk and drainage and it would comply with the above part of policies F4 and F7 of the NPPF.

Other material considerations

Letters of representation submitted by neighbouring properties in support and objection of the planning application referred to signal interference following construction of the radio mast and antenna. This does not fall within planning policy and would not be considered a matter for planning consideration.

Concerns have been raised relating to the development's impact on vulnerable neighbours. The Public Sector Equality Duty requires public authorities to have due regard to certain equality considerations when exercising their functions. In making planning decisions, the Mid Sussex District Council Planning Officers ensure that due regard is given to the following when exercising its decision making function:

- *'Eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act; and*
- *Advance equality of opportunity between people who share and people who do not share a relevant protected characteristic; and*
- *Foster good relations between people who share and people who do not share a relevant protected characteristic.'*

In terms of the Public Sector Duty above, in coming to a decision, the Council have considered impacts of the development upon the health and safety of the neighbouring occupiers. The development is not considered to lead to any discrimination on grounds of disability, nor any other protected characteristics. The Council has had due regard to the PSED, however, the development's impact on a person with a protected characteristic would not alone be reason to refuse a planning application. The PSED is therefore not a material consideration and can attract only minimal weight in the determination of the application.

A neighbouring property commented that the updated plans do not annotate the dimensions on the horizontal antenna. The plans submitted in support of this planning application have been drawn to scale and verified by the Council to be correct. As such, the application has been made pursuant to S.73a of the Town and Country Planning Act 1990, as amended.

Concerns were raised relating to the structural integrity of the radio mast and antenna, including the mast not being tethered to the ground, movement in storm force winds, surrounding electrical cables and potential harm to life and property if mast falls. As such, specifications of the mast and photographs depicting the mast footings were submitted by the applicant. Whilst these comments are noted, they would not be considered planning matters for the Local Planning Authority to consider and therefore Building Control was consulted on this application. However, they confirmed that these works do not fall within the remit of Building Control given that the mast is a standalone structure.

Concerns were raised with regard to the masts impact on highway safety. Given the nature of the development and its form and location, set back from the public highway by approximately 34 metres and screened by the dwellinghouse, it would not be considered to impact highway safety.

In support of the application, comments were submitted relating to the radio mast and antenna providing emergency and resilience communications during periods when conventional networks are unavailable.

The Office of Communication Licensing conditions relating to maintenance of the mast would not be a matter for planning consideration. This does not fall within planning policy and would not be considered a matter for planning consideration.

The construction quality would not be a consideration for the Local Planning Authority to consider.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Crawley Down Neighbourhood Plan.

Policy S4 of the NPPF states development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

The development would not be considered to result in unacceptable adverse impacts in respect of neighbouring amenity and accords with policy P3 of the NPPF and policy DP26 (neighbouring amenity) of the Mid Sussex District Plan. Furthermore, it is not considered to pose a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere. Therefore, the development accords with policies F4 and F5 of the NPPF and DP41 of the Mid Sussex District Plan.

However, the mast and antenna, located within a residential garden set within a verdant semi-rural setting, is considered to be an overbearing and dominant feature when both retracted and extended. The development would not be considered to respond to its context, integrate with or enhance its surrounding semi-rural landscape and the urban and industrial materials and architectural features would be considered incongruent with the surrounding village character and residential properties surrounding the site, resulting in unacceptable adverse effects contrary to policy DP3 of the NPPF, DP26 (design and character) of the Mid Sussex District Plan and Policy B1 of the Crawley Down Neighbourhood Plan, such that in weighing up the above, when taken together, it is considered that the adverse effects of the development would outweigh the benefits of the proposal. Overall, the proposal is in conflict with the development plan and the planning balance is considered to fall in favour of refusing planning permission.

Decision: Refusal

Case Officer: Jessica Szollosi