SCHEDULE 2

Permitted development rights

PART 1

Development within the curtilage of a dwellinghouse

Class H – microwave antenna on a dwellinghouse

Permitted development

H. The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Development not permitted

- H.1 Development is not permitted by Class H if—
 - (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
 - (b) it would result in the presence on the dwellinghouse or within its curtilage of—
 - (i) more than 2 antennas;
 - (ii) a single antenna exceeding 1 metre in length;
 - (iii) 2 antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres;
 - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
 - (vi) an antenna with a cubic capacity in excess of 35 litres;
 - (c) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
 - (d) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
 - (e) in the case of article 2(3) land, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
 - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
 - (iii) on a building which exceeds 15 metres in height.

Conditions

- H.2 Development is permitted by Class H subject to the following conditions—
 - (a) an antenna installed on a building must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and

(b) an antenna no longer needed for reception or transmission purposes is removed as soon as reasonably practicable.

Interpretation of Class H

- **H.3** For the purposes of Class H—
 - (a) the relevant size criteria for the purposes of paragraph H.1(b)(iii) are that—
 - (i) only 1 of the antennas may exceed 0.6 metres in length; and
 - (ii) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length;
 - (b) the length of the antenna is to be measured in any linear direction, and excludes any projecting feed element, reinforcing rim, mounting or brackets.

Interpretation of Part 1

- **I.** For the purposes of Part 1—
 - "highway" includes an unadopted street or a private way;
 - "raised" in relation to a platform means a platform with a height greater than 0.3 metres; and "terrace house" means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where—
 - (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
 - (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of paragraph (a); and
 - "unadopted street" means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980(1).

^{(1) 1980} c. 66. See in particular sections 36, 328 and 329; section 36 was amended by Schedule 4 to the Local Government Act 1985 (c. 51), Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), section 64 of, and Schedule 4 to, the Transport and Works Act 1992 (c. 42), Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37) and S.I. 2006/1177. There are amendments to section 329 but none are relevant to this Order.