OBJECTION TO APPLICATION FOR PRIOR APPROVAL

To: The Head of Planning and Development Horsham District Council Albery House Springfield Road Horsham West Sussex RH12 2GB

Date: 28 October 2026

Site Address: Storrington Library Car Park, North Street, Storrington, Pulborough, West Sussex, RH20 4NZ
Application Reference: DC/26/1532
Applicant Named on Form: Mobile Broadband Network Limited ('MBNL')
Purported Beneficiary Operators: EE Limited and Hutchison 3G UK Limited ('Three')
Statutory Gateway: Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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1. SUMMARY OF OBJECTION

This formal objection is submitted to request that Horsham District Council decline to determine this application for Prior Approval as procedurally invalid, or in the alternative, formally refuse it.

The submission is fundamentally defective.

It fails to satisfy the mandatory statutory preconditions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO 2015').

The documentation contains irreconcilable factual contradictions regarding whether the mast is a new or replacement structure, names non-existent corporate entities on mandatory safety instruments, and provides an invalid, unverified ICNIRP certificate.

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2. GATEWAY DEFECT 1: THE ICNIRP DECLARATION IS DEFECTIVE AND A LEGAL NULLITY

Under Schedule 2, Part 16, Paragraph A.3(7) of the GPDO 2015, and Paragraph 119 of the National Planning Policy Framework ('NPPF'), an application under Class A must be accompanied by a valid declaration confirming compliance with international public exposure guidelines.

The certificate lodged with this application fails to satisfy these statutory requirements on three distinct grounds:

2.1 Certification in the Names of Non-Existent Corporate Entities

The submitted ICNIRP declaration is issued in the names of:

- *"EE (UK) Ltd"* (citing Hatfield Business Park, Hatfield, AL10 9BW); and
- *"H3G (UK) Ltd"* (citing Green Park, 450 Longwater Avenue, Reading, RG30 3UR).

Neither company exists on the official register at Companies House.

The statutory Code Operators are **EE LIMITED** (Company No. 02382175) and **HUTCHISON 3G UK LIMITED** (Company No. 03885486).

A certificate executed in the names of fictitious corporate entities cannot bind the statutory undertakers and is of no legal effect.

2.2 Unverified Delegation and Redacted Signature

The declaration is purportedly executed by *"Circet UK Ltd (Appointed Representative of EE Ltd)"*, dated 27 August 2026.

The signature itself is entirely redacted.

No evidence of delegated authority has been provided to demonstrate that Circet UK Ltd possesses legal power to bind either EE Limited or Hutchison 3G UK Limited.

An anonymous, redacted signature on a mandatory statutory compliance instrument prevents the Local Planning Authority ('LPA') from verifying lawful corporate execution.

2.3 Absence of Mandatory Operational Compliance Undertaking

Annex C of the *Code of Practice for Wireless Network Development in England* requires an express declaration from the operator confirming ongoing operational compliance.

The submitted document merely asserts that the equipment design:

"Is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines..."

The certificate fails to provide the required declaration that the base station **will be operated** in full compliance with those guidelines.

Under established planning principle, the rule preventing an LPA from examining emissions applies exclusively where an uncontradicted, valid ICNIRP declaration has been provided.

Because this certificate is legally defective, the statutory precondition under Paragraph A.3(7) remains unsatisfied.

The Council cannot lawfully grant Prior Approval on the basis of a non-compliant certificate.

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3. GATEWAY DEFECT 2: LACK OF DEMONSTRATED CODE OPERATOR STANDING

Permitted development rights under Schedule 2, Part 16, Class A are strictly confined to development carried out:

"by or on behalf of an electronic communications code operator..."

The applicant named on the statutory application form is **Mobile Broadband Network Limited ('MBNL')**.

MBNL does not hold statutory powers under the Electronic Communications Code and does not appear on the register maintained by Ofcom under Section 106 of the Communications Act 2003.

While an application may be made "on behalf of" an operator, the corporate agency must be clear, lawful, and verified.

Given that the purported beneficiaries are misnamed throughout the core instruments, no lawful agency has been demonstrated.

The applicant has failed to establish legal entitlement to exercise Class A permitted development rights.

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4. GATEWAY DEFECT 3: IRRECONCILABLE CONTRADICTIONS IN APPLICATION PARTICULARS

The application particulars contain direct, irreconcilable factual contradictions:

On the statutory application form, under Question 8:

"Are you replacing an existing installation?" The applicant has explicitly answered: **"No"**.

In complete contradiction, the Supporting Statement asserts that the proposal is a:

"replacement mast" required due to the loss of an existing installation at Water Lane Industrial Estate.

This is not a minor drafting error; it alters the entire statutory character of the application:

The proposed installation is located approximately one kilometre away from Water Lane, in a public civic car park.

By answering "No" on the statutory form, the applicant confirms that the proposal is a new installation.

However, by advancing a "replacement" narrative in the Supporting Statement, the applicant seeks to rely on an existing operational need to avoid conducting a rigorous sequential site search across the settlement.

The Council cannot permit an applicant to rely on a "replacement" justification while formally declaring on statutory instruments that the development is not a replacement.

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5. GATEWAY DEFECT 4: UNRESOLVED AGENT DISCREPANCIES

The application form and Supporting Statement identify the agent as:

- Chris Weir, Dot Surveying Limited, 1 St Colme Street, Edinburgh, EH3 6AA.

However, the official Companies House record for Dot Surveying Ltd (Company No. 12401570) lists its registered office at:

- 6060 Knights Court, Solihull Parkway, Birmingham Business Park, Solihull, B37 7WY.

Statutory planning applications require accurate, verifiable particulars of all acting parties and service addresses.

Combined with the misnaming of the lead operators, this irregularity highlights an absence of basic procedural verification throughout the application bundle.

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6. SUBSTANTIVE PLANNING HARM: UNACCEPTABLE SITING AND APPEARANCE

Even if the procedural gateway were capable of being regularised, Prior Approval must be refused under Paragraph A.3(4) of Class A on grounds of siting and visual amenity:

The application site is situated directly adjacent to Storrington Library Car Park on North Street.

This location constitutes a sensitive civic hub bordered by community facilities, pedestrian thoroughfares, and commercial premises.

The introduction of an industrial, utilitarian telecommunications tower and associated ground cabinets will introduce unacceptable visual intrusion and street clutter into the civic core.

Furthermore, because the applicant has officially declared the scheme to be a new installation, it was required under Chapter 10 of the NPPF to provide an exhaustive, objective sequential evaluation of alternative sites.

No credible analysis has been provided demonstrating why less sensitive locations—such as commercial premises, industrial land, or mast-sharing opportunities—were discounted in favour of a civic library car park.

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7. CONCLUSION AND REMEDY SOUGHT

In light of the statutory and evidential defects set out above, Horsham District Council is respectfully requested to:

1. **Decline to Determine the Application:** Confirm to the applicant that the submission is invalid due to non-compliance with the statutory preconditions of Schedule 2, Part 16, Class A of the GPDO 2015, specifically the failure to submit a valid, legally enforceable ICNIRP declaration.
2. **Refuse Prior Approval in the Alternative:** If the Council proceeds to determine the application, refuse Prior Approval under Paragraph A.3(4) by reason of severe visual clutter, inappropriate siting in a civic car park, and failure to provide an uncontradicted sequential site assessment.
3. **Require a Full Planning Application:** Inform the operators that any renewed proposal to site infrastructure at this location must be made by a verified Code Operator via a Full Planning Application under Section 70 of the Town and Country Planning Act 1990, supported by unredacted certifications and full public consultation.

Submitted by: [redacted]
44 Broadwater Lane, Surrey GU7 3 JQ with close friends in the local area

[redacted]