

DQ Handbook: Satellite Dishes - Review of Guidelines and Enforcement

Planning Committee
1 September 2005

1 Purpose of report

- 1.1 To address the decision of the Development Quality Sub-Committee on 3 February 2005 in relation to 27 Gordon Street which asked the Director of City Development to report on the number of unauthorised satellite dish aerials throughout the City and any necessary review of the non-statutory guidelines.

2 Summary

- 2.1 Following the decision to refuse and enforce a retrospective application for a satellite dish at 27 Gordon Street, Committee raised concerns about the scale of unauthorised satellite dishes on flatted properties. It also questioned whether the existing Development Quality Handbook Guidelines on Satellite Dishes should be revised.
- 2.2 This report outlines the difficulties involved in undertaking a review of unauthorised dishes because of permitted development rights and the timescale for enforcement action. Any revision of the Council's guidance would be premature at this stage as the Scottish Executive is currently reviewing all permitted development rights and the outcome of this process is still to be determined.
- 2.3 However, it is recognised that there is scope to work more closely with the satellite dish companies to encourage best practice in the location of dishes at an early stage.

3 Main Report

Review of existing supplementary planning guidance

- 3.1 The current Development Quality Handbook policy guideline was approved on 3 June 1999 and the guidance directly relates to the statutory permitted development rights.
- 3.2 In June 2004, the Scottish Executive issued a paper on Satellite Dishes and other Antennas: Consultation on Possible Changes to Planning Regulations. The purpose of the consultation was to seek views on the whether the existing planning arrangements should be revised to facilitate the installation of antennas and the take-up of technological advances.
- 3.3 There has been no conclusion of this consultation exercise, as subsequently the Executive is undertaking a review of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and a likely outcome is a change to permitted development rights generally.
- 3.4 Given these likely changes to legislation, it would be inappropriate to review the Council's supplementary planning guidance at this time. A review of the policy guideline on Satellite Dishes, alongside other guidance, will be undertaken following the results of the Executive's review.

Review of Unauthorised Satellite Dishes

- 3.5 The existing permitted development rights would make it difficult to assess unauthorised satellite dishes within the City and take appropriate enforcement action.
- 3.6 The statutory legislation states that one antenna is allowed on a dwelling house, but the dish must not exceed the highest point of the roof and in a conservation area or a national scenic area, the antenna may not be placed on the front elevation. For flatted properties, up to two antennas may be installed without planning permission, except in conservation areas or national scenic areas. No dish may be more than 90cm and all dishes must be sited with the minimum of visual intrusion. Planning permission is therefore required for any additional dishes or if there is an adverse impact on visual amenity.
- 3.7 To undertake a review of satellite dishes on a flatted property (where there are more than two dishes installed), the satellite dishes on the building would have to be cross-referenced with the planning applications on Uniform. However, the difficulty is discovering which dishes were installed under permitted development rights and which were the subsequent dishes requiring planning permission. The co-operation of owners would be required.
- 3.8 In addition, under the Town and Country Planning (Scotland) Act 1997, where there has been a breach of planning control, no enforcement action may be taken after 4 years. In assessing satellite dishes, it would be difficult to find out which dishes had been in place for more than 4 years and therefore lawful in planning terms.

- 3.9 An audit of unauthorised satellite dishes would be onerous on staff time and resources and even then, it is unlikely to establish to a reasonable degree which dishes were unauthorised in planning terms.

Co-operation with BSKyB

- 3.10 Within the City, the vast majority of dishes are installed by BSKyB and its business partners. Recent meetings have indicated a willingness by the company to help address problems relating to the location of dishes.
- 3.11 In discussion with Planning's Enforcement section, BSKyB is updating a good practice guide for installation. Although BSKyB has no control over independent installers, it hopes to distribute this guidance through the Confederation of Aerial Industries to ensure independent installers also follow these good practice principles. The company is also proposing to undertake more checks in the field to ensure its own installers are following the guidance.
- 3.12 It is suggested that officers continue to work with BSKyB to produce this guidance and ensure it is in line with the Council's guidelines. This could be developed to form an agreed set of working practices between the Council and BSKyB.
- 3.13 In addition, BSKyB has indicated it would be willing to work with the Council on individual enforcement complaints where re-siting is possible. To this effect, there has been on-going discussion regarding 27 Gordon Street where the dish was installed prior to the best practice guidance being developed. BSKyB has since removed the dish and relocated it to the roof where it is no longer visible from public view and is therefore permitted development.

4 Financial Implications

- 4.1 The recommendations of this report do not raise any financial implications for the Planning Service.

5 Conclusions

- 5.1 A review of unauthorised dishes would be time-consuming and unlikely to give a clear indication of the level of unauthorised dishes. Working more closely with BSKyB could be a way of addressing most problems before they arise. The Development Quality Handbook guidelines will be revised following changes to the statutory legislation relating to permitted development rights.

6 Recommendations

- 6.1 It is recommended that the Committee:
- a) agrees that a review of the supplementary planning guidance guideline on Satellite Dishes should take place after the Scottish Executive's overall review of permitted development rights;

- b) agrees that the Council continues to work with BSkyB in developing best practice guidance;
- c) agrees that a review of unauthorised satellite dishes should not take place given the difficulties outlined above.



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Appendices	None
Contact/tel	Anna Grant (0131 469 3720) Callum Aitchison (0131 529 3946)
Wards affected	All
Background Papers	Satellite Dishes and Other Antennas: Consultation on Possible Changes to Planning Regulations - http://www.scotland.gov.uk/consultations/planning/sdoa-00.asp