STATUTORY INSTRUMENTS

2015 No. 596

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) Order 2015

Made - - - -	*18th March 2015*
Laid before Parliament	*24th March 2015*
Coming into force - -	*15th April 2015*

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990 [M1] and section 54 of the Coal Industry Act 1994 [M2], makes the following Order:

Modifications etc. (not altering text)

C1 Order modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), **ss. 22(2)**, 70(1)

C2 Order modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **ss. 19(2)**, 64(1)

C3 Order applied (with modifications) (21.9.2021) by The Town and Country Planning (Napier Barracks) Special Development Order 2021 (S.I. 2021/962), arts. 1(2), **3**

C4 Order applied (with modifications) (11.4.2024) by The Town and Country Planning (Former RAF Airfield Wethersfield) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (S.I. 2024/411), arts. 1(2), **3**

C5 Order applied (with modifications) (11.4.2024) by The Town and Country Planning (Former RAF Scampton) (Accommodation for Asylum-Seekers etc.) Special Development Order 2024 (S.I. 2024/412), arts. 1(2), **3**

C6 Order applied (with modifications) (5.2.2025) by The Town and Country Planning (Northwood Headquarters) Special Development Order 2025 (S.I. 2025/37), arts. 1(2), **3**

Marginal Citations

M1 1990 c. 8. Section 59 was amended by section 1 of, and Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27); section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013; section 74 was amended by section 121 of, and Schedule 12 to, the Localism Act 2011 (c. 20), **sections 19(1)** and 32 of, and Schedule 7 to, the Planning and Compensation Act 1991 (c. 34) and section 344 of the Greater London Authority Act 1999 (c. 29).

M2 1994 c. 21, to which there is an amendment not relevant to this Order.

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (England) Order 2015 and comes into force on 15th April 2015.

(2) This Order applies to all land in England, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order applies to that land only to such extent and subject to such modifications as may be specified in the special development order.

(3) Nothing in this Order applies to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).

Interpretation

2.—(1) In this Order—

"the 1960 Act" means the Caravan Sites and Control of Development Act 1960 [M3];

"the Act" means the Town and Country Planning Act 1990;

"adjoining owner or occupier" means any owner or occupier of any premises or land adjoining the site;

"aerodrome" means an aerodrome as defined in **[**[F1]paragraph 1 of Schedule 1 to the Air Navigation Order 2016**]** which is—

(a) licensed under that Order,

(b) a Government aerodrome,

(c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,

(d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or

(e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and, for the purposes of this definition, the terms "aerial work", "Government aerodrome" and "public transport" have the meanings given in **[**[F2]paragraph 1 of Schedule 1 to that Order**]**;

"aqueduct" does not include an underground conduit;

"area of outstanding natural beauty" means an area designated as such by an order made by Natural England under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) [M4] as confirmed by the Secretary of State;

"building"—

(a) includes any structure or erection and, except in Class F of Part 2, **[**[F3]Classes P and PA of Part 3,**]** Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 **[**[F4], Class T of Part 19 and Class ZA of Part 20**]**, of Schedule 2, includes any part of a building; and

(b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;

"caravan" has the same meaning as for the purposes of Part 1 of the 1960 Act (caravan sites) [M5];

"caravan site" means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

"classified road" means a highway or proposed highway which—

(a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads) [M6]; or

(b) is classified by the Secretary of State for the purposes of any enactment by virtue of section 12(3) of that Act;

"cubic content" means the cubic content of a structure or building measured externally;

[[F5]"dwellinghouse", except in Part 3 (changes of use), **[**[F6]Class B (demolition of buildings) of Part 11 (heritage and demolition),**]** Part 12A (development by local authorities and health service bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building;**]**

"electronic communication" has the meaning given in section 15(1) of the Electronic Communications Act 2000 [M7];

"erection", in relation to buildings, includes extension, alteration, or re-erection;

"existing", in relation to any building or any plant or machinery or any use, means (except in the definition of "original") existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

"flat", except **[**[F7]in Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order or**]** in the expression "flat roof", means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"Flood Zone 1", "Flood Zone 2" and "Flood Zone 3" have the meaning given in Schedule 4 to the Procedure Order;

"floor space" means the total floor space in a building or buildings;

"industrial process" means a process for or incidental to any of the following purposes—

(a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

"land drainage" has the same meaning as in section 116 of the Land Drainage Act 1976 (interpretation) [M8];

"listed building" has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest) [M9];

"local advertisement" means publication of the notice in at least one newspaper circulating in the locality in which—

(a) in the case of a direction, the area or, as the case may be, the whole or relevant part of the conservation area to which the direction relates is situated; and

(b) in any other case, the land to which the proposed development relates is situated;

"machinery" includes any structure or erection in the nature of machinery;

"microwave" means that part of the radio spectrum above 1,000 MHz;

"microwave antenna" means a satellite antenna or a terrestrial microwave antenna;

[[F8]"military explosives storage area" means any area, including an aerodrome, depot, mooring or port, at which the storage of military explosives may be undertaken and for which the associated explosives safeguarding zone is identified on a safeguarding map, issued by the Secretary of State, provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 31(1) of the Procedure Order (or any previous powers to the like effect);**]**

"mine" means any site on which mining operations are carried out;

"mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working;

"network" and "operator", for the purposes of Part 3 and 4 of Schedule 2, have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services) [M10];

"notifiable pipe-line" means a major accident hazard pipeline (as described in regulation 18 of the Pipelines Safety Regulations 1996 [M11]) but does not include a pipeline the construction of which has been authorised under section 1 of the Pipe-lines Act 1962 [M12];

"operational Crown building" means a building which is operational Crown land;

"operational Crown land" means—

(a) Crown land [M13] which is used for operational purposes; and

(b) Crown land which is held for those purposes,

but does not include—

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(ii) Crown land—

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an interest belonging to Her Majesty in right of Her private estates;

(cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or

(dd) belonging to the Duchy of Cornwall;

"operational purposes" means the purposes of carrying on the functions of the Crown or of either House of Parliament;

"original" means—

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;

(b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and

(d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;

"plant" includes any structure or erection in the nature of plant;

"private way" means a highway not maintainable at the public expense and any other way other than a highway;

"Procedure Order" means the Town and Country Planning (Development Management Procedure) (England) Order 2015 [M14];

"proposed highway" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation) [M15];

[[F9]"public holiday" means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England**]**;

"public service vehicle" means—

(a) a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981 (definition of public service vehicles) [M16], or

(b) a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988 (general interpretation) [M17];

[[F10]"railway undertakers" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation);**]**

"safety hazard area" means an area notified to the local planning authority—

(a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 4 to the Procedure Order (or any previous powers to the like effect); or

(b) by the Office for Nuclear Regulation for the purposes of paragraph (f) of that Table;

"satellite antenna" means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

"scheduled monument" has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments) [M18];

"site display" means the posting of the notice by firmly attaching it to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

"site of archaeological interest" means land which—

(a) is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);

(b) is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance) [M19], or

(c) is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record;

"site of special scientific interest" means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest, notification of additional land and enlargement of SSSI) [M20] applies;

"statutory undertaker" includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers) [M21]—

(a) a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011 [M22]) in connection with the provision of a universal postal service (within the meaning of that Part) [M23];

(b) the Civil Aviation Authority;

(c) a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 [M24] (air traffic services);

(d) the Environment Agency [M25];

(e) any water undertaker;

(f) any gas transporter; and

(g) any licence holder under section 6 of the Electricity Act 1989 [M26];

"terrestrial microwave antenna" means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

[[F11]"transport undertakers" includes, in addition to the meaning of transport undertaker in section 329 of the Highways Act 1980 (further provision as to interpretation), any person authorised to carry on—

(a) a road transport undertaking; or

(b) a tramway undertaking.**]**

"trunk road" means a highway or proposed highway which is a trunk road by virtue of section 10(1) or 19 of the Highways Act 1980 (general provision as to trunk roads, and certain special roads and other highways to become trunk roads) [M27] or any other enactment or any instrument made under any enactment;

"the Use Classes Order" means the Town and Country Planning (Use Classes) Order 1987 [M28]; and

"World Heritage Site" means a property appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972 [M29].

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(3) The land referred to elsewhere in this Order as article 2(3) land is the land described in Part 1 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc).

(4) The land referred to elsewhere in this Order as article 2(4) land is the land described in Part 2 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

[F12](5) . . . . . .

(6) Paragraphs (7) to (11) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order or in any Schedule to this Order to give or send any statement, notice or other document to any other person ("the recipient").

(7) The requirement referred to in paragraph (6) is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

(a) capable of being accessed by the recipient,

(b) legible in all material respects, and

(c) sufficiently permanent to be used for subsequent reference.

(8) In paragraph (7), "legible in all material respects" means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

[[F13](9) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day; and for this purpose "working day" means a day which is not a Saturday, Sunday or public holiday.**]**

(10) A requirement in this Order or in any Schedule to this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (7), and "written" and related expressions are to be construed accordingly.

(11) References in this Order or in any Schedule to this Order to plans, drawings, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(12) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or its precincts is vested is treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.

Textual Amendments

F1 Words in art. 2(1) substituted (25.8.2016) by The Air Navigation Order 2016 (S.I. 2016/765), art. 1, **Sch. 14 para. 8(a)(i)** (with arts. 17-23, 274(2)-(4))

F2 Words in art. 2(1) substituted (25.8.2016) by The Air Navigation Order 2016 (S.I. 2016/765), art. 1, **Sch. 14 para. 8(a)(ii)** (with arts. 17-23, 274(2)-(4))

F3 Words in art. 2(1) inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **3(a)**

F4 Words in art. 2(1) substituted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **3**

F5 Words in art. 2(1) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **3(a)**

F6 Words in art. 2(1) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **3** (with art. 15(3))

F7 Words in art. 2(1) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **3(b)**

F8 Words in art. 2(1) substituted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **3(b)**

F9 Words in art. 2(1) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 25(a)**

F10 Words in art. 2(1) inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **3(c)**

F11 Words in art. 2(1) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **3**

F12 Art. 2(5) omitted (31.5.2019) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), **art. 7(2)(i)**

F13 Art. 2(9) substituted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 25(b)**

Marginal Citations

M3 1960 c. 62; which was amended by the Town and Country Planning Act 1962 (c. 38), Local Government Act 1963 (c. 33), Courts Act 1971 (c. 23), Local Government Act 1972 (c. 70), Local Government Act 1974 (c. 7), Statute Law (Repeals) Act 1974 (c. 22), Greater London Council (General Powers) Act 1976 (c. 26), Local Government, Planning and Land Act 1980 (c. 65), Acquisition of Land Act 1981 (c. 67), Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Criminal Justice Act 1982 (c. 48), Planning (Consequential Provisions) Act 1990 (c. 11), Statute Law (Repeals) Act 1993 (c. 50), Criminal Justice and Public Order Act 1994 (c. 33), Environment Act 1995

(c. 25), Courts Act 2003 (c. 39), Fire and Rescue Services Act 2004 (c. 21), Mobile Homes Act 2013 (c. 14), and S.I. 1975/1636 and 2005/1541. There are other amendments not relevant to this Order.

M4 2000 c. 37. Section 82 was amended by Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16). There is another amendment not relevant to this Order.

M5 See in particular section 29, to which there are amendments not relevant to this Order.

M6 1980 c. 66.

M7 2000 c. 7. Section 15 was amended by Schedule 17 to the Communications Act 2003 (c. 21).

M8 1976 c. 70, to which there are amendments not relevant to this Order.

M9 1990 c. 9. Section 1 was amended by Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

M10 1993 c. 43; see in particular sections 6 and 83. Relevant amendments to section 6 were made by S.I. 1998/1340 and 2005/3050.

M11 S.I. 1996/825.

M12 1962 c. 58. Section 1 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), **Schedule 2** to the Planning Act 2008 (c. 29) and S.I. 1999/742 and 2007/1519.

M13 *See* section 293 of the Act for the definition of Crown land.

M14 S.I. 2015/595.

M15 There are amendments to section 329 not relevant to this Order.

M16 1981 c. 14. Section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).

M17 1988 c. 52. The definition of "trolley vehicle" was amended by Schedule 4 to the Road Traffic Act 1991 (c. 40).

M18 1979 c. 46. Section 1 was amended by Schedule 4 to the National Heritage Act 1983 (c. 47), and modified by section 70 of, and Schedule 9 to, the Environment Act 1995 (c. 25).

M19 1979 c. 46. Section 33 was amended by Schedule 4 to the National Heritage Act 1983 (c. 47) and Schedule 2 to the Local Government Act 1985 (c. 51), and modified by section 70 of, and Schedule 9 to, the Environment Act 1995 (c. 25).

M20 1981 c. 69. Section 28 was substituted, and sections 28B and 28C were inserted, by Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37). Sections 28(1), 28B(1) and 28C(1) are amended by Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), and section 28(1) was further amended by Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23).

M21 Section 262 was amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34), **Schedule 5** to the Transport Act 2000 (c. 38) and S.I. 2001/1149 and 2013/755, and modified by sections 31 and 76 of the Utilities Act 2000 (c. 27).

M22 2011 c. 5. See in particular sections 35 and 65 of the Act.

M23 See in particular sections 30 to 33 and 65 of the Postal Services Act 2011.

M24 2000 c. 38.

M25 A body established under section 1 of the Environment Act 1995 (c. 25).

M26 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000, and amended by sections 89, 136, 143, 145 and 197 of, and Schedule 23 to, the Energy Act 2004 (c. 20), **Schedule 8** to the Climate Change Act 2008 (c. 27), **Schedule 1** to the Energy Act 2011 (c. 16) and S.I. 2011/2704 and 2012/2400.

M27 1980 c. 66; section 10 was amended by section 22 of the New Roads and Street Works Act 1991 (c. 22) and Schedule 2 to the Planning Act 2008 (c. 29); section 19 was amended by section 21 of the New Roads and Street Works Act 1991.

M28 S.I. 1987/764, relevant amendments are made by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293, 2005/84, 2006/220, 2006/1282, 2010/653, 2010/675, 2011/988 and 2015/597.

M29 *See* http:/whc.unesco.org/en/list

Permitted development

3.—(1) Subject to the provisions of this Order and **[**[F14]regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017**]** (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 **[**[F15]or Part 13**]** of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(7) Any development falling within Class A of Part 18 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval is not to be treated for the purposes of this Order as authorised unless and until that consent or approval is obtained, except where the Act was passed or the order made after 1st July 1948 and it contains provision to the contrary.

(8) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a gas transporter in accordance with Class A of Part 15 of that Schedule.

(9) Except as provided in Classes B and C of Part 11, Schedule 2 does not permit any development which requires or involves the demolition of a building, but in this paragraph "building" does not include part of a building.

[[F16](9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.**]**

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of **[**[F17]the Town and Country Planning (Environmental Impact Assessment) Regulations 2017**]** ("the EIA Regulations") is not permitted by this Order unless—

(a) the local planning authority has adopted a screening opinion under **[**[F18]regulation 6**]** of those Regulations that the development is not EIA development **[**[F19]within the meaning of those Regulations**]**;

(b) the Secretary of State has made a screening direction under **[**[F20]regulation 5(3)**]** of those Regulations that the development is not EIA development **[**[F19]within the meaning of those Regulations**]**; or

(c) the Secretary of State has given a direction under **[**[F21]regulation 63(1)**]** of those Regulations that the development is exempted from the application of those Regulations.

(11) Where—

(a) the local planning authority has adopted a screening opinion under **[**[F22]regulation 6**]** of the EIA Regulations that development is EIA development **[**[F23]within the meaning of those Regulations**]** and the Secretary of State has in relation to that development neither made a screening direction to the contrary under **[**[F24]regulation 5(3)**]** of those Regulations nor directed under **[**[F25]regulation 63(1)**]** of those Regulations that the development is exempted from the application of those Regulations; or

(b) the Secretary of State has directed that development is EIA development **[**[F26]within the meaning of those Regulations**]**,

that development is treated, for the purposes of paragraph (10), as development which is not permitted by this Order.

(12) Paragraph (10) does not apply to—

(a) development which consists of the carrying out by a drainage body, within the meaning of the Land Drainage Act 1991 [M30], of improvement works within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 [M31];

(b) development for which permission is granted by Class E of Part 6, Class K of Part 7, Class B of Part 12, Class A(a) of Part 15, Class D, E or I of Part 17 or Class A of Part 18 of Schedule 2;

(c) development for which permission is granted by Class F, H or K of Part 17 of Schedule 2 where the land in, on or under which the development is to be carried out is—

(i) in the case of Class F of Part 17, on the same authorised site,

(ii) in the case of Class H of Part 17, on the same premises or, as the case may be, the same ancillary mining land,

(iii) in the case of Class K of Part 17, on the same land or, as the case may be, on land adjoining that land,

as that in, on or under which development of any description permitted by the same Class has been carried out before 14th March 1999;

(d) the completion of any development begun before 14th March 1999;

(e) development for which permission is granted by Class B of Part 9 of Schedule 2.

(13) Where a person uses electronic communications for making any application required to be made under any of Part of Schedule 2, that person is taken to have agreed—

(a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;

(b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and

(c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

Textual Amendments

F14 Words in art. 3(1) substituted (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), reg. 1(2), **Sch. 6 para. 52**

F15 Words in art. 3(4) inserted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(2)**

F16 Art. 3(9A)(9B) inserted (6.4.2021) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(3), **3** (with reg. 12(1)(2))

F17 Words in art. 3(10) substituted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(2)(a)** (with regs. 47, 70)

F18 Words in art. 3(10) substituted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(4)(a)** (with regs. 47, 70)

F19 Words in art. 3(10)(a)(b) inserted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(2)(b)** (with regs. 47, 70)

F20 Words in art. 3(10) substituted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(4)(b)** (with regs. 47, 70)

F21 Words in art. 3(10) substituted (1.10.2018) by The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018 (S.I. 2018/695), regs. 1, **4(2)**

F22 Words in art. 3(11) substituted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(4)(a)** (with regs. 47, 70)

F23 Words in art. 3(11)(a) inserted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(3)** (with regs. 47, 70)

F24 Words in art. 3(11)(a) substituted (1.10.2018) by The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018 (S.I. 2018/695), regs. 1, **4(3)**

F25 Words in art. 3(11) substituted (1.10.2018) by The Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018 (S.I. 2018/695), regs. 1, **4(2)**

F26 Words in art. 3(11)(b) inserted (16.5.2017) by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (S.I. 2017/571), regs. 1(1), **73(3)** (with regs. 47, 70)

Modifications etc. (not altering text)

C7 Art. 3 applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **9(4)** (with arts. 35, 36)

C8 Art. 3(10) excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 32 para. 1**

C9 Art. 3(10) excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 31 para. 1(1)**

Marginal Citations

M30 1991 c. 59. See section 72 for the definition of "drainage body", was amended by Schedule 22 to the Environment Act 1995 (c. 25); there is another amendment which is not relevant to this Order.

M31 S.I. 1999/1783. See regulation 2 for the definition of "improvement works"; the definition was amended by S.I. 2005/1399. There are other amendments not relevant to this Order.

Directions restricting permitted development

4.—(1) If the Secretary of State or the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than **[**[F27]Class DA of Part

4 or**]** Class K **[**[F28], KA**]** or M of Part 17, should not be carried out unless permission is granted for it on an application, the Secretary of State or (as the case may be) the local planning authority, may make a direction under this paragraph that the permission granted by article 3 does not apply to—

(a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or

(b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction,

and the direction must specify that it is made under this paragraph.

(2) A direction under paragraph (1) does not affect the carrying out of—

(a) development permitted by any Class in Schedule 2 which is expressed to be subject to prior approval where, in relation to that development, the prior approval date occurs before the date on which the direction comes into force and the development is completed within a period of 3 years starting with the prior approval date;

(b) development permitted by Class B of Part 9 of Schedule 2;

(c) development mentioned in Class A of Part 16 of Schedule 2, unless the direction specifically so provides;

(d) development permitted by Class A of Part 18 of Schedule 2 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;

(e) development permitted by Class Q, R, S or T of Part 19 of Schedule 2;

(f) development permitted under Schedule 2 in an emergency.

(3) A direction made or having effect as if made under this article does not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

(a) the maintenance of bridges, buildings and railway stations;

(b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;

(c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;

(d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;

(e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;

(f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome; or

(g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class F of Part 8 of Schedule 2).

(4) The procedures which must be followed in making, modifying or cancelling any direction made under article 4(1) are set out in Schedule 3.

(5) In this article and in Schedule 3—

"local planning authority" means the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate; and

"prior approval date" means the date on which—

(a) prior approval is given;

(b) a determination that such approval is not required is given, or

(c) any period for giving such a determination has expired without the applicant being notified whether prior approval is required, given or refused.

Textual Amendments

F27 Words in art. 4(1) inserted (24.3.2020 at 10.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 (S.I. 2020/330), arts. 1, **3**

F28 Words in art. 4(1) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **12**

Directions restricting certain minerals permitted development

5.—(1) If, on receipt of a notification from any person proposing to carry out development within Class K **[**[F29], KA**]** or M of Part 17 of Schedule 2, a mineral planning authority [M32] are satisfied as mentioned in paragraph (2), they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 does not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

(a) the land on which the development is to be carried out is within—

(i) a National Park;

(ii) an area of outstanding natural beauty;

(iii) a site of archaeological interest, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984 (exempt operations) [M33];

(iv) a site of special scientific interest; or

(v) the Broads;

[[F30](aa) in the case of development otherwise permitted under Class KA, the land on which the development is to be carried out is within a protected groundwater source area (as defined in Class JA of Part 17 of Schedule 2);**]**

(b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given under the provisions of Class K **[**[F31], KA**]** or M of Part 17 of Schedule 2 would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a Grade I listed building;

(c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or

(d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this article must contain a statement as to the day on which (if it is not disallowed under paragraph (5)) it comes into force, which must be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4).

(4) As soon as is reasonably practicable a copy of a direction under this article must be sent by the mineral planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning with the date on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State disallowing the direction, the mineral planning authority must give notice in writing, to the person who gave notice of the proposal, stating that the person is authorised to proceed with the development.

Textual Amendments

F29 Word in art. 5(1) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **13(a)**

F30 Art. 5(2)(aa) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **13(b)**

F31 Word in art. 5(2)(b) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **13(c)**

Marginal Citations

M32 *See* section 1(4) of the Act.

M33 S.I. 1984/1286.

Directions: general

6. Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

Prior approval applications: time periods for decision

7. Where, in relation to development permitted by any Class in Schedule 2 which is expressed to be subject to prior approval, an application has been made to a local planning authority for such approval or a determination as to whether such approval is required, the decision in relation to the application must be made by the authority—

(a) within the period specified in the relevant provision of Schedule 2,

(b) where no period is specified, within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or

[[F32](c) within such longer period than is referred to in paragraph (a) or (b) as may be agreed by the applicant and the authority in writing.**]**

Textual Amendments

F32 Art. 7(c) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **4**

[F33Prior approval applications: modified procedure in relation to call-in of applications

7ZA.—(1) This article applies where the Secretary of State is considering exercising the power under section 77(1) of the Act (reference of applications to Secretary of State) in relation to a prior approval application.

(2) Where this article applies, the Secretary of State must give notice in writing ("the pause notice") to the relevant local planning authority stating that the Secretary of State is considering exercising the power.

(3) Where the Secretary of State decides not to exercise the power the Secretary of State must give notice in writing to the local planning authority to that effect ("the release notice").

(4) Subject to paragraph (5), the local planning authority must take no further action in relation to that prior approval application from the date it receives the pause notice until the day after the date on which—

(a) it receives the release notice; or

(b) the Secretary of State makes a direction under section 77(1) of the Act in relation to the application ("the call-in direction").

(5) Where the local planning authority has not satisfied a consultation and notification provision at the date it receives the pause notice—

(a) such provision continues to apply to the local planning authority whether or not the Secretary of State makes a call-in direction in relation to the prior approval application in question; and

(b) the local planning authority must inform the Secretary of State as soon as they have satisfied that provision.

(6) Where the Secretary of State gives a pause notice, the period—

(a) beginning with the day after the date on which the Secretary of State gives the pause notice; and

(b) ending on the day after the date on which the Secretary of State gives the release notice,

shall not be counted for the purpose of calculating any time period for decision under article 7.

(7) Where the Secretary of State makes a call-in direction in relation to a prior approval application the provisions of Schedule 2 (except a consultation and notification provision) apply to such an application as if the references to a local planning authority were to the Secretary of State.

(8) Where the Secretary of State makes a call-in direction in relation to a prior approval application any deemed prior approval provision shall have no effect in relation to such an application.

(9) In this article—

"consultation and notification provision" means a provision in Schedule 2 in relation to a prior approval application which requires the local planning authority to—

(a) give notice of a proposed development;

(b) consult in relation to a proposed development; and/or

(c) give notice to consultees;

"deemed prior approval provision" means a provision in Schedule 2 in reliance on which, after the expiry of a time period for decision under article 7 where the application has not been determined, development may begin; and

"prior approval application" has the same meaning as in section 69A(2) of the Act.**]**

Textual Amendments

F33 Art. 7ZA inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **4**

[[F34]Review

7A.—(1) The Secretary of State must from time to time—

(a) carry out a review of **[**[F35]articles 1 to 7ZA**]**;

(b) set out the conclusions of the review in a report; and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by those articles;

(b) assess the extent to which those objectives are achieved; and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this article must be published before the end of the period of five years beginning with 6th April 2016.

(4) Reports under this article are afterwards to be published at intervals not exceeding five years.**]**

Textual Amendments

F34 Art. 7A inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **3**

F35 Words in art. 7A(1)(a) substituted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **5**

Revocations and saving

8.—(1) Subject to paragraph (2), the statutory instruments specified in Schedule 4 are revoked insofar as they apply to England.

(2) For the purposes only of development specified in article 6(2) of the Amending Order, the Town and Country Planning (General Permitted Development) Order 1995, in the form in which it existed immediately before the coming into force of the Amending Order, continues to apply in relation to that development.

(3) The saving provision in paragraph (2) ceases to have effect at the end of the 3 year period beginning with the day on which this Order comes into force.

(4) In this article, "the Amending Order" means the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 [M34].

Marginal Citations

M34 S.I. 2015/659.

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities and Local Government

Brandon Lewis
Minister of State

SCHEDULE 1 Article 2(3) to (5)

PART 1

Article 2(3) land

1. Land within—

(a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);

(b) an area of outstanding natural beauty;

(c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside) [M35];

(d) the Broads;

(e) a National Park; and

(f) a World Heritage Site.

Marginal Citations

M35 1981 c. 69. Section 41 was amended by sections 20 and 24 of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49), **Schedule 3** to the Norfolk and Suffolk Broads Act 1988 (c. 4), **Schedule 10** to the Environment Act 1995 (c. 25) and Schedules 11 and 12 to the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments not relevant to this Order.

PART 2

Article 2(4) land

2.—(1) Land within the following areas—

(a) a National Park;

(b) the Broads; or

(c) land outside the boundaries of a National Park which is within the parishes listed in sub-paragraph (2).

(2) The parishes are—

(a) in the district of Allerdale—

Blindcrake, Bothel and Threapland, Bridekirk, Brigham, Broughton, Broughton Moor, Camerton, Crosscanonby, Dean, Dearham, Gilcrux, Great Clifton, Greysouthen, Little Clifton, Loweswater, Oughterside and Allerby, Papcastle, Plumbland, Seaton, Winscales;

(b) in the borough of Copeland—

Arlecdon and Frizington, Cleator Moor, Distington, Drigg and Carleton, Egremont, Gosforth, Haile, Irton with Santon, Lamplugh, Lowca, Lowside Quarter, Millom, Millom Without, Moresby, Parton, Ponsonby, St Bees, St Bridget's Beckermet, St John's Beckermet, Seascale, Weddicar;

(c) in the district of Eden—

Ainstable, Asby, Bandleyside, Bolton, Brough, Brough Sowerby, Brougham, Castle Sowerby, Catterlen, Clifton, Cliburn, Crackenthorpe, Crosby Garrett, Crosby Ravensworth, Culgaith, Dacre, Dufton, Glassonby, Great Salkeld, Great Strickland, Greystoke, Hartley, Hesket, Hillbeck, Hunsonby, Hutton, Kaber, Kings Meaburn, Kirkby Stephen, Kirby Thore, Kirkoswald, Langwathby, Lazonby, Little Strickland, Long Marton, Lowther, Mallerstang, Milburn, Morland, Mungrisdale, Murton, Musgrave, Nateby, Newbiggin, Newby, Orton, Ousby, Ravenstonedale, Shap, Skelton, Sleagill, Sockbridge and Tirril, Soulby, Stainmore, Tebay, Temple Sowerby, Thrimby, Waitby, Warcop, Wharton, Winton, Yanwath and Eamont Bridge;

(d) in the borough of High Peak—

Chapel-en-le-Frith, Charlesworth, Chinley Buxworth and Brownside, Chisworth, Green Fairfield, Hartington Upper Quarter, Hayfield, King Sterndale, Tintwistle, Wormhill;

(e) in the district of South Lakeland—

Aldingham, Angerton, Arnside, Barbon, Beetham, Blawith and Subberthwaite, Broughton West, Burton, Casterton, Docker, Egton-with-Newland, Fawcett Forest, Firbank, Grayrigg, Helsington, Heversham, Hincaster, Holme, Hutton Roof, Killington, Kirkby Ireleth, Kirkby Lonsdale, Lambrigg, Levens, Lower Allithwaite, Lower Holker, Lowick, Lupton, Mansergh, Mansriggs, Middleton, Milnthorpe, Natland, New Hutton, Old Hutton and Holmescales, Osmotherley, Pennington, Preston Patrick, Preston Richard, Scalthwaiterigg, Sedgwick, Skelsmergh, Stainton, Strickland Ketel, Strickland Roger, Urswick, Whinfell, Whitwell and Selside;

(f) in the district of West Derbyshire—

Aldwark, Birchover, Stanton.

[F36]PART 3

Article 2(5) land

Textual Amendments

F36 Sch. 1 Pt. 3 omitted (31.5.2019) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), **art. 7(2)(ii)**

3. . . . . . .

4. . . . . . .

SCHEDULE 2 Article 3

Permitted development rights

PART 1

Development within the curtilage of a dwellinghouse

Class A – enlargement, improvement or other alteration of a dwellinghouse

Permitted Development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F37]G,**]** M, **[**[F38]MA,**]** N, P **[**[F39], PA**]** or Q of Part 3 of this Schedule (changes of use);

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(g) [F40]...for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

[[F41](ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;**]**

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; [F42]...

[[F43](ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**]**

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse **[**[F44]; or**]**

[[F45](l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F37 Word in Sch. 2 Pt. 1 Class A para. A1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(a)** (with Sch.)

F38 Word in Sch. 2 Pt. 1 Class A para. A.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(a)** (with art. 15(3))

F39 Word in Sch. 2 Pt. 1 Class A para. A.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F40 Words in Sch. 2 Pt. 1 Class A para. A.1(g) omitted (25.5.2019) by virtue of The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **4(a)**

F41 Sch. 2 Pt. 1 Class A para. A.1(h)(ii) substituted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **4**

F42 Word in Sch. 2 Pt. 1 Class A para. A.1(j)(iii) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **5(a)(i)**

F43 Sch. 2 Pt. 1 Class A para. A.1(ja) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **3(a)** (with art. 8)

F44 Word in Sch. 2 Pt. 1 Class A para. A.1(k) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **5(a)(ii)**

F45 Sch. 2 Pt. 1 Class A para. A.1(l) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **5(a)(iii)**

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;

[[F46](d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).**]**

Textual Amendments

F46 Sch. 2 Pt. 1 Class A para. A.2(d) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **3(b)** (with art. 8)

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

[[F47](c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**]**

Textual Amendments

F47 Sch. 2 Pt. 1 Class A para. A.3(c) substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **3(c)** (with art. 8)

A.4—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

(a) a written description of the proposed development including—

(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii) the maximum height of the enlarged part of the dwellinghouse; and

(iii) the height of the eaves of the enlarged part of the dwellinghouse;

[[F48](iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in

respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);**]**

(b) a plan indicating the site and showing the proposed development **[**[F49]and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined**]**;

(c) the addresses of any adjoining premises;

(d) the developer's contact address; and

(e) the developer's email address if the developer is content to receive communications electronically,

[[F50]together with any fee required to be paid.**]**

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

[[F51](a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);**]**

(b) provides the address of the proposed development;

(c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and

(d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—

(a) take into account any representations made as a result of the notice given under sub-paragraph (5); and

(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(10) The development must not begin before the occurrence of one of the following—

(a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

[F52](13) . . . . . .

[F52](14) . . . . . .

[F52](15) . . . . . .

[[F53](16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.**]**

Textual Amendments

F48 Sch. 2 Pt. 1 Class A para. A.4(2)(a)(iv) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **3(d)** (with art. 8)

F49 Words in Sch. 2 Pt. 1 Class A para. A.4(2)(b) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **3(e)** (with art. 8)

F50 Words in Sch. 2 Pt. 1 Class A para. A.4(2) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **5(b)**

F51 Sch. 2 Pt. 1 Class A para. A.4(5)(a) substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **3(f)** (with art. 8)

F52 Sch. 2 Pt. 1 Class A para. A.4(13)-(15) omitted (25.5.2019) by virtue of The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **4(b)**

F53 Sch. 2 Pt. 1 Class A para. A.4(16) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(1)**

***[**[F54]Class AA - enlargement of a dwellinghouse by construction of additional storeys*

Textual Amendments

F54 Sch. 2 Pt. 1 Class AA inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **3(2)**

Permitted development

AA. The enlargement of a dwellinghouse consisting of the construction of—

(a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or

(b) one additional storey, where the existing dwellinghouse consists of one storey,

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

Development not permitted

AA.1. Development is not permitted by Class AA if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F55]G,**]** M, **[**[F56]MA,**]** N, O, P, PA or Q of Part 3 of this Schedule (changes of use);

(b) the dwellinghouse is located on—

(i) article 2(3) land; or

(ii) a site of special scientific interest;

(c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;

(d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;

(e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;

(f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

(g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—

(i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or

(ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;

(h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

(i) any additional storey is constructed other than on the principal part of the dwellinghouse;

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

Textual Amendments

F55 Word in Sch. 2 Pt. 1 Class AA para. AA.1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(b)** (with Sch.)

F56 Word in Sch. 2 Pt. 1 Class AA para. AA.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(b)** (with art. 15(3))

Conditions

AA.2.—(1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).

(2) The conditions in this sub-paragraph are as follows—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;

(c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and

(d) following the development, the dwellinghouse must be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

(3) The conditions in this sub-paragraph are as follows—

(a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;

(ii) the external appearance of the dwellinghouse, including the design and architectural features of—

(aa) the principal elevation of the dwellinghouse, and

(bb) any side elevation of the dwellinghouse that fronts a highway;

(iii) air traffic and defence asset impacts of the development; and

(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State;

(b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;

(c) the development must be completed within a period of 3 years starting with the date prior approval is granted;

(d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and

(e) that notification must be in writing and include—

(i) the name of the developer;

(ii) the address of the dwellinghouse; and

(iii) the date of completion.

Procedure for applications for prior approval

AA.3.—(1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a)

(2) The application must be accompanied by—

(a) a written description of the proposed development, including details of any works proposed;

(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and

(c) a plan which is drawn to an identified scale and shows—

(i) the existing and proposed elevations of the dwellinghouse, and

(ii) the position and dimensions of the proposed windows.

[[F57]together with any fee required to be paid.**]**

(3) The local planning authority may refuse an application where, in its opinion—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

(a) describes the proposed development, including the maximum height of the proposed additional storeys;

(b) provides the address of the proposed development; and

(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

(6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

(7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

(8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

(9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.

(11) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F58]July 2021**]**; and

(c) details of proposed building or other operations.

(12) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F59]July 2021**]**, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(14) The development must be carried out in accordance with the details approved by the local planning authority.

(15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Textual Amendments

F57 Words in Sch. 2 Pt. 1 Class AA para. AA.3(2) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(3)** (with Sch.)

F58 Words in Sch. 2 Pt. 1 Class AA para. AA.3(11)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(a)(i)**

F59 Words in Sch. 2 Pt. 1 Class AA para. AA.3(12)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(a)(ii)**

Interpretation of Class AA

AA4.—(1) For the purposes of Class AA—

"defence asset" means a site identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect;

"detached", in relation to a dwellinghouse, means that the dwellinghouse does not—

(a) share a party wall with another building; or

(b) have a main wall adjoining the main wall of another building;

"principal part", in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;

"semi-detached", in relation to a dwellinghouse, means that the dwellinghouse is neither detached nor a terrace house;

"technical sites" has the same meaning as in the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002;

"terrace house" means a dwellinghouse situated in a row of three or more buildings, where—

(a) it shares a party wall with, or has a main wall adjoining the main wall of, the building 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 building which fulfils the requirements of paragraph a.

(2) In Class AA references to a "storey" do not include—

(a) any storey below ground level; or

(b) any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration,

and accordingly, references to an "additional storey" include a storey constructed in reliance on the permission granted by Class AA which replaces accommodation within the roof of the existing dwellinghouse.**]**

Class B – additions etc to the roof of a dwellinghouse

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

B.1 Development is not permitted by Class B if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F60]G,**]** M, **[**[F61]MA,**]** N, P **[**[F62], PA**]** or Q of Part 3 of this Schedule (changes of use);

(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

(e) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform, or

(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; [F63]…

(f) the dwellinghouse is on article 2(3) land **[**[F64]; [F65]... **]**

[[F66](g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)**][**[F67]; or

(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).**]**

Textual Amendments

F60 Word in Sch. 2 Pt. 1 Class B para. B1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(c)** (with Sch.)

F61 Word in Sch. 2 Pt. 1 Class B para. B.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(c)** (with art. 15(3))

F62 Word in Sch. 2 Pt. 1 Class B para. B.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F63 Word in Sch. 2 Pt. 1 Class B para. B.1(e) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **6(a)(i)**

F64 Word in Sch. 2 Pt. 1 Class B para. B.1(f) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), **regs. 1(2)**, 6(a)(ii)

F65 Word in Sch. 2 Pt. 1 Class B para. B.1(f) omitted (31.8.2020 at 9.00 a.m.) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **3(3)(a)**

F66 Sch. 2 Pt. 1 Class B para. B.1(g) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **6(a)(iii)**

F67 Sch. 2 Pt. 1 Class B para. B.1(h) and word inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **3(3)(b)**

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Interpretation of Class B

B.3 For the purposes of Class B, "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

[[F68]**B.4** For the purposes of paragraph B.2(b)(ii)—

(a) roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement; and

(b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.**]**

Textual Amendments

F68 Sch. 2 Pt. 1 Class B para. B.4 substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **6(b)**

Class C – other alterations to the roof of a dwellinghouse

Permitted development

C. ***Any other alteration to the roof of a dwellinghouse.***

Development not permitted

C.1 Development is not permitted by Class C if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F69]G,**]** M, **[**[F70]MA,**]** N, P **[**[F71], PA**]** or Q of Part 3 of this Schedule (changes of use);

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; [F72]...

(d) it would consist of or include—

(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment **[**[F73]; or**]**

[[F74](e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F69 Word in Sch. 2 Pt. 1 Class C para. C1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(d)** (with Sch.)

F70 Word in Sch. 2 Pt. 1 Class C para. C.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(d)** (with art. 15(3))

F71 Word in Sch. 2 Pt. 1 Class C para. C.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F72 Word in Sch. 2 Pt. 1 Class C para. C.1(c) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **7(a)**

F73 Word in Sch. 2 Pt. 1 Class C para. C.1(d) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **7(b)**

F74 Sch. 2 Pt. 1 Class C para. C.1(e) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **7(c)**

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Class D – porches

Permitted development

D. ***The erection or construction of a porch outside any external door of a dwellinghouse.***

Development not permitted

D.1 Development is not permitted by Class D if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F75]G,**]** M, **[**[F76]MA,**]** N, P **[**[F77], PA**]** or Q of Part 3 of this Schedule (changes of use);

(b) the ground area (measured externally) of the structure would exceed 3 square metres;

(c) any part of the structure would be more than 3 metres above ground level; [F78]...

(d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway **[**[F79]; or**]**

[[F80](e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F75 Word in Sch. 2 Pt. 1 Class D para. D1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(e)** (with Sch.)

F76 Word in Sch. 2 Pt. 1 Class D para. D.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(e)** (with art. 15(3))

F77 Word in Sch. 2 Pt. 1 Class D para. D.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F78 Word in Sch. 2 Pt. 1 Class D para. D.1(c) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **8(a)**

F79 Word in Sch. 2 Pt. 1 Class D para. D.1(d) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **8(b)**

F80 Sch. 2 Pt. 1 Class D para. D.1(e) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **8(c)**

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. ***The provision within the curtilage of the dwellinghouse of—***

(a) ***any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or***

(b) ***a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.***

Development not permitted

E.1 Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F81]G,**]** M, **[**[F82]MA,**]** N, P **[**[F83], PA**]** or Q of Part 3 of this Schedule (changes of use);

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

(d) the building would have more than a single storey;

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(iii) 3 metres in any other case;

(f) the height of the eaves of the building would exceed 2.5 metres;

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

(h) it would include the construction or provision of a verandah, balcony or raised platform;

(i) it relates to a dwelling or a microwave antenna; [F84]...

(j) the capacity of the container would exceed 3,500 litres **[**[F85]; or**]**

[[F86](k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F81 Word in Sch. 2 Pt. 1 Class E para. E1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(f)** (with Sch.)

F82 Word in Sch. 2 Pt. 1 Class E para. E.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(f)** (with art. 15(3))

F83 Word in Sch. 2 Pt. 1 Class E para. E.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F84 Word in Sch. 2 Pt. 1 Class E para. E.1(i) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **9(a)**

F85 Word in Sch. 2 Pt. 1 Class E para. E.1(j) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **9(b)**

F86 Sch. 2 Pt. 1 Class E para. E.1(k) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **9(c)**

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

(a) an area of outstanding natural beauty;

(b) the Broads;

(c) a National Park; or

(d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Interpretation of Class E

E.4. For the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Class F – hard surfaces incidental to the enjoyment of a dwellinghouse

Permitted development

F. ***Development consisting of—***

(a) ***he provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or***

(b) ***the replacement in whole or in part of such a surface.***

Development not permitted

[[F87]F.1 Development is not permitted by Class F if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[[F88]**G,**]** M, **[[F89]**MA,**]** N, P, PA or Q of Part 3 of this Schedule (changes of use); or

(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F87 Sch. 2 Pt. 1 Class F para. F.1 substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **10**

F88 Word in Sch. 2 Pt. 1 Class F para. F1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(g)** (with Sch.)

F89 Word in Sch. 2 Pt. 1 Class F para. F.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(g)** (with art. 15(3))

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Class G – chimneys, flues etc on a dwellinghouse

Permitted development

G. ***The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.***

Development not permitted

G.1 Development is not permitted by Class G if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class **[**[F90]G,**]** M, **[**[F91]MA,**]** N, P **[**[F92], PA**]** or Q of Part 3 of this Schedule (changes of use);

(b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more;[F93]...

(c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the dwellinghouse **[**[F94]; or**]**

[[F95](d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F90 Word in Sch. 2 Pt. 1 Class G para. G1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(h)** (with Sch.)

F91 Word in Sch. 2 Pt. 1 Class G para. G.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(h)** (with art. 15(3))

F92 Word in Sch. 2 Pt. 1 Class G para. G.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F93 Word in Sch. 2 Pt. 1 Class G para. G.1(b) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **11(a)**

F94 Word in Sch. 2 Pt. 1 Class G para. G.1(c) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **11(b)**

F95 Sch. 2 Pt. 1 Class G para. G.1(d) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **11(c)**

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 **[**[F96]G,**]** M, **[**[F97]MA,**]** N, P **[**[F98], PA**]** 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; [F99]...

(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 **[**[F100]; or**]**

[[F101](f) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).**]**

Textual Amendments

F96 Word in Sch. 2 Pt. 1 Class H para. H1(a) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **3(2)(i)** (with Sch.)

F97 Word in Sch. 2 Pt. 1 Class H para. H.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **4(i)** (with art. 15(3))

F98 Word in Sch. 2 Pt. 1 Class H para. H.1(a) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **9**

F99 Word in Sch. 2 Pt. 1 Class H para. H.1(d) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **12(a)**

F100 Word in Sch. 2 Pt. 1 Class H para. H.1(e) substituted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **12(b)**

F101 Sch. 2 Pt. 1 Class H para. H.1(f) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **12(c)**

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" **[**[F102]except in Class AA (enlargement of a dwellinghouse by construction of additional storeys),**]** 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 [M36].

Textual Amendments

F102 Words in Sch. 2 Pt. 1 para. I inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **3(4)**

Marginal Citations

M36 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.

PART 2

Minor operations

Class A – gates, fences, walls etc

Permitted development

A. ***The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.***

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

(i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;

(ii) in any other case, 1 metre above ground level;

(b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

(c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

(d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Interpretation of Class A

A.2 For the purposes of Class A, "school" includes—

(a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and

(b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

Class B – means of access to a highway

Permitted development

B. ***The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).***

Class C – exterior painting

Permitted development

C. ***The painting of the exterior of any building or work.***

Development not permitted

C.1 Development is not permitted by Class C if the painting is for the purpose of advertisement, announcement or direction.

Interpretation of Class C

C.2 In Class C, "painting" includes any application of colour.

Class D – electrical outlet for recharging vehicles

Permitted development

D. ***The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.***

Development not permitted

D.1 Development is not permitted by Class D if the outlet and its casing would—

(a) exceed 0.2 cubic metres;

[F103](b) . . . . . .

(c) be within a site designated as a scheduled monument; or

(d) be within the curtilage of a listed building.

Textual Amendments

F103 Sch. 2 Pt. 2 Class D para. 2.1(b) omitted (29.5.2025) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **3**

Conditions

D.2 Development is permitted by Class D subject to the conditions that when no longer needed as a charging point for electric vehicles—

(a) the development is removed as soon as reasonably practicable; and

(b) the wall on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

*Class E – electrical upstand **[**[F104]etc**]** for recharging vehicles*

Textual Amendments

F104 Word in Sch. 2 Pt. 2 Class E heading inserted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(2)**

Permitted development

E.—[[F105](1)**]** The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

[[F106](2) The installation, alteration or replacement, at ground level within a non-domestic area lawfully used for off-street parking, of—

(a) equipment necessary for the operation of an upstand the installation of which would be permitted by this Class;

(b) a unit of equipment housing for the storage of equipment necessary for the operation of an upstand the installation of which would be permitted by this Class.**]**

Textual Amendments

F105 Sch. 2 Pt. 2 Class E para. E renumbered as Sch. 2 Pt. 2 Class E para. E(1) (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(3)(a)**

F106 Sch. 2 Pt. 2 Class E para. E(2) inserted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(3)(b)**

Development not permitted

E.1—**[**[F107](1)**]** Development is not permitted by **[**[F108]paragraph E(1)**]** if the upstand and the outlet would—

[[F109](a) in relation to an upstand and outlet—

(i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or

(ii) in any other case, exceed **[**[F110]2.7 metres**]** in height from the level of the surface used for the parking of vehicles;**]**

[F111](b) . . . . . .

(c) be within a site designated as a scheduled monument;

(d) be within the curtilage of a listed building; or

(e) result in more than 1 upstand being provided for each parking space.

[[F112](2) Development is not permitted by paragraph E(2)(a) if the equipment would not be contained within equipment housing the installation of which would be permitted by this Class.

(3) Development is not permitted by paragraph E(2)(b) if—

(a) it would result in there being more than 1 unit of equipment housing within a non-domestic area lawfully used for off-street parking;

(b) the unit of equipment housing would—

(i) have a volume exceeding 29 cubic metres;

(ii) exceed 3 metres in height from the level of the surface used for the parking of vehicles;

(iii) be within 5 metres of a highway;

(iv) be within 10 metres of the curtilage of a dwellinghouse or block of flats;

(v) be within a site designated as a scheduled monument;

(vi) be within the curtilage of a listed building.**]**

Textual Amendments

F107 Sch. 2 Pt. 2 Class E para. E.1 renumbered as Sch. 2 Pt. 2 Class E para. E.1(1) (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(4)(a)**

F108 Words in Sch. 2 Pt. 2 Class E para. E.1(1) substituted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(4)(b)(i)**

F109 Sch. 2 Pt. 2 Class E para. E.1(a) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **5(a)**

F110 Words in Sch. 2 Pt. 2 Sch. 2 Pt. 2 Class E para. E.1(1)(a)(ii) substituted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(4)(b)(ii)**

F111 Sch. 2 Pt. 2 Sch. 2 Pt. 2 Class E para. E.1(1)(b) omitted (29.5.2025) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(4)(b)(iii)**

F112 Sch. 2 Pt. 2 Class E para. E.1(2)(3) inserted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **4(4)(c)**

Conditions

E.2 Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

(a) the development is removed as soon as reasonably practicable; and

(b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

[F113Interpretation of Class E

E.3. For the purposes of Class E—

"block of flats" means a building which consists of at least two flats.**]**

Textual Amendments

F113 Sch. 2 Pt. 2 Class E para. E.3 inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **5(b)**

Class F – closed circuit television cameras

Permitted development

F. ***The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.***

Development not permitted

F.1 Development is not permitted by Class F if—

(a) the building on which the camera would be installed, altered or replaced is a listed building or a scheduled monument;

(b) the dimensions of the camera including its housing exceed 0.75 metres by 0.25 metres by 0.25 metres;

(c) any part of the camera would, when installed, altered or replaced, be less than 2.5 metres above ground level;

(d) any part of the camera would, when installed, altered or replaced, protrude from the surface of the building by more than 1 metre when measured from the surface of the building;

(e) any part of the camera would, when installed, altered or replaced, be in contact with the surface of the building at a point which is more than 1 metre from any other point of contact;

(f) any part of the camera would be less than 10 metres from any part of another camera installed on a building;

(g) the development would result in the presence of more than 4 cameras on the same side of the building; or

(h) the development would result in the presence of more than 16 cameras on the building.

Conditions

F.2 Development is permitted by Class F subject to the following conditions—

(a) the camera is, so far as practicable, sited so as to minimise its effect on the external appearance of the building on which it is situated; and

(b) the camera is removed as soon as reasonably practicable after it is no longer required for security purposes.

Interpretation of Class F

F.3 For the purposes of Class F—

"camera", except in paragraph F.1(b), includes its housing, pan and tilt mechanism, infra-red illuminator, receiver, mountings and brackets; and

"ground level" means the level of the surface of the ground immediately adjacent to the building or, where the level of the surface of the ground is not uniform, the level of the highest part of the surface of the ground adjacent to it.

[F114 Class G – moveable structures for pubs, restaurants etc

Textual Amendments

F114 Sch. 2 Pt. 2 Class G inserted (2.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(b), **4** (with art. 10)

Permitted development

G. ***The provision of one moveable structure within the curtilage, and for the purposes, of a building used for a purpose within—***

(a) ***article 3(6)(p) or (q) (drinking establishments etc.) of the Use Classes Order; or***

(b) ***Class E(b) (sale of food and drink etc.) of Schedule 2 to that Order.***

Development not permitted

G.1. Development is not permitted by Class G—

(a) on land which is or forms part of—

(i) a scheduled monument or land within its curtilage;

(ii) a listed building or land within its curtilage;

(b) if any part of the moveable structure would be within 2 metres of the curtilage of any adjacent land that is used for a purpose within Part C (residential uses) of Schedule 1 to the Use Classes Order;

(c) if the height of the moveable structure would exceed 3 metres;

(d) if the footprint of the moveable structure would exceed the lesser of—

(i) 50% of the footprint of the building, or

(ii) 50 square metres;

(e) if the moveable structure is used for the display of an advertisement.

Interpretation of Class G

G.2. For the purposes of Class G, "footprint", in relation to a building or a moveable structure, means the total area of ground covered by the building or moveable structure.**]**

PART 3

Changes of use

[F115 Class A – casino, betting office, pay day loan shop or hot food takeaway to commercial, business and service

Textual Amendments

F115 Sch. 2 Pt. 3 Class A substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(2)** (with Sch.)

Permitted development

A. Development consisting of a change of use of a building from a use falling within one of the following provisions of the Use Classes Order—

(a) article 3(6)(m) (casino);

(b) article 3(6)(n) (betting office);

(c) article 3(6)(o) (pay day loan shop); or

(d) article 3(6)(r) (hot food takeaway),

to a use falling within Class E (commercial, business and service) of Schedule 2 to that Order.

Conditions

A.1. Development under Class A is permitted subject to the condition that, before beginning the development, the developer provides written notification to the local planning authority of the date on which the use of the building will change.**]**

[F116 Class AA – drinking establishments with expanded food provision

Textual Amendments

F116 Sch. 2 Pt. 3 Class AA and cross-heading inserted (23.5.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(1)(b)** (with art. 5)

[F117 Permitted Development

AA. Development consisting of a change of use of a building and any land within its curtilage—

(a) from a use falling within article 3(6)(p) (public house, wine bar, or drinking establishment) of the Use Classes Order to a use falling within article 3(6)(q) (drinking establishment with expanded food provision) of that Order; or

(b) from a use falling within article 3(6)(q) to a use falling within article 3(6)(p).**]]**

Textual Amendments

F117 Sch. 2 Pt. 3 Class AA para. AA substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(3)** (with Sch.)

Class B – takeaways F118... to restaurants and cafes

Textual Amendments

F118 Words in Sch. 2 Pt. 3 Class B heading omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(1)(c)(i)** (with art. 5)

- F119 . . . . . .

Textual Amendments

F119 Sch. 2 Pt. 3 Class B omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(4)** (with Sch.)

Class C – retail, betting office or pay day loan shop or casino to restaurant or cafe

- F120 . . . . . .

Textual Amendments

F120 Sch. 2 Pt. 3 Class C omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(5)** (with Sch.)

Class D – shops to financial and professional

- **F121** . . . . . .

Textual Amendments

F121 Sch. 2 Pt. 3 Class D omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(6)** (with Sch.)

Class E – financial and professional or betting office or pay day loan shop to shops

- **F122** . . . . . .

Textual Amendments

F122 Sch. 2 Pt. 3 Class E omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(7)** (with Sch.)

Class F – betting offices or pay day loan shops to financial and professional

- **F123** . . . . . .

Textual Amendments

F123 Sch. 2 Pt. 3 Class F omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(8)** (with Sch.)

Class G – [F124 commercial, business and service]
or betting office or pay day loan shop to mixed use

Textual Amendments

F124 Words in Sch. 2 Pt. 3 Class G heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(a)** (with Sch.)

Permitted development

G. ***Development consisting of a change of use of a building—***

[F125(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;]

F126(b) . . . . . .

[F127(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;]

F128(d) . . . . . .

(e) ***from a use [F129 falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] to a mixed use [F129 falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] and as up to 2 flats.***

Textual Amendments

F125 Sch. 2 Pt. 3 Class G para. G(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(b)(i)** (with Sch.)

F126 Sch. 2 Pt. 3 Class G para. G(b) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(b)(ii)** (with Sch.)

F127 Sch. 2 Pt. 3 Class G para. G(c) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(b)(iii)** (with Sch.)

F128 Sch. 2 Pt. 3 Class G para. G(d) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(b)(iv)** (with Sch.)

F129 Words in Sch. 2 Pt. 3 Class G para. G(e) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(b)(v)** (with Sch.)

Conditions

G.1 Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used [F130 for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to,] the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or

(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)**[**[F131];

(d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) contamination risks in relation to the building;

(ii) flooding risks in relation to the building;

(iii) impacts of noise from commercial premises on the intended occupiers of the development;

(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(v) arrangements required for the storage and management of domestic waste.**]**

Textual Amendments

F130 Words in Sch. 2 Pt. 3 Class G para. G.1(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(c)(i)** (with Sch.)

F131 Sch. 2 Pt. 3 Class G para. G.1(d) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(9)(c)(ii)** (with Sch.)

Interpretation of Class G

G.2 For the purposes of Class G, "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

*Class H – mixed use to **[**[F132]commercial, business and service or betting office or pay day loan shop**]***

Textual Amendments

F132 Words in Sch. 2 Pt. 3 Class H heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(a)** (with Sch.)

Permitted development

H. ***Development consisting of a change of use of a building—***

[[F133](a) from a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order and as up to 2 flats, to a use for any purpose within that Class;**]**

[F134](b) . . . . . .

[F135(c) from a mixed use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats, to use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order;]

F136(d) . . . . . .

(e) ***from a mixed use [F137within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] and as up to 2 flats to a use [F137within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] .***

Textual Amendments

F133 Sch. 2 Pt. 3 Class H para. H(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(b)(i)** (with Sch.)

F134 Sch. 2 Pt. 3 Class H para. H(b) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(b)(ii)** (with Sch.)

F135 Sch. 2 Pt. 3 Class H para. H(c) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(b)(iii)** (with Sch.)

F136 Sch. 2 Pt. 3 Class H para. H(d) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(b)(iv)** (with Sch.)

F137 Words in Sch. 2 Pt. 3 Class H para. H(e) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(b)(v)** (with Sch.)

[F138Development not permitted

H.1 Development is not permitted by Class H unless each part of the building used as a flat was, immediately prior to being so used, used for any purpose within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order.]

Textual Amendments

F138 Sch. 2 Pt. 3 Class H para. H.1. substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(10)(c)** (with Sch.)

[F139Class I – industrial conversions

Textual Amendments

F139 Sch. 2 Pt. 3 Class I substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(11)** (with Sch.)

Permitted development

I. Development consisting of a change of use of a building from any use falling within Class B2 (general industrial) of Schedule 1 to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.

Development not permitted

I.1. Development is not permitted by Class I if the change of use relates to more than 500 square metres of floor space in the building.**]**

Class J – retail or betting office or pay day loan shop to assembly and leisure

F140 . . . . . .

Textual Amendments

F140 Sch. 2 Pt. 3 Class J omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(12)** (with Sch.)

Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices

F141 . . . . . .

Textual Amendments

F141 Sch. 2 Pt. 3 Class JA omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(13)** (with Sch.)

Class K – casinos to assembly and leisure

F142 . . . . . .

Textual Amendments

F142 Sch. 2 Pt. 3 Class K omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(14)** (with Sch.)

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. ***Development consisting of a change of use of a building—***

(a) ***from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;***

(b) ***from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.***

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

(a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or

(b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

[F143 Class M – [F144 certain uses to dwellinghouses]

Textual Amendments

F143 Sch. 2 Pt. 3 Class M para. M and cross-heading substituted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **6(2)**

F144 Sch. 2 Pt. 3 Class M heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(15)(a)** (with Sch.)

[F145 Permitted development

M. Development consisting of—

(a) a change of use of a building from—

(i) a use falling within one of the following—

(aa) launderette;

(bb) betting office;

(cc) pay day loan shop;

(dd) hot food takeaway; or

(ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise);

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or

(b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).**]**

Textual Amendments

F145 Sch. 2 Pt. 3 Class M para. M substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(15)(b)** (with Sch.)

Development not permitted

M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

F146(b) . . . . . .

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

Textual Amendments

F146 Sch. 2 Pt. 3 Class M para. M.1(b) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(15)(c)** (with Sch.)

Conditions

M.2—(1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) contamination risks in relation to the building,

(c) flooding risks in relation to the building,

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

[[F147](i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,**]**

[F148](ii) . . . . . .

(e) the design or external appearance of the building **[**[F149], and**]**

[[F150](f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,**]**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class M(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (d) **[**[F151]and (f),**]** and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

(a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; [F152]...

(b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse **[**[F153]; and**]**

[[F153](c) where the proposed development includes a change of use of a building from a use falling within Class A1 or Class A2 of the Use Classes Order, the developer must apply for a determination under sub-paragraph (1) or (2) on or before 31 July 2021**].]**

Textual Amendments

F147 Sch. 2 Pt. 3 Class M para. M.2(1)(d)(i) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(15)(d)(i)** (with Sch.)

F148 Sch. 2 Pt. 3 Class M para. M.2(1)(d)(ii) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(15)(d)(ii)** (with Sch.)

F149 Word in Sch. 2 Pt. 3 Class M para. M.2(1)(e) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **13(b)** (with reg. 27)

F150 Sch. 2 Pt. 3 Class M para. M.2(1)(f) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **13(c)** (with reg. 27)

F151 Words in Sch. 2 Pt. 3 Class M para. M.2(2) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **13(d)** (with reg. 27)

F152 Word in Sch. 2 Pt. 3 Class M para. M.2(3)(a) omitted (21.4.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **5(a)** (with art. 15(3))

F153 Sch. 2 Pt. 3 Class M para. M.2(3)(c) and word inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **5(b)** (with art. 15(3))

[F154 Class MA – commercial, business and service uses to dwellinghouses

Textual Amendments

F154 Sch. 2 Pt. 3 Class MA inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **6** (with art. 15(3))

Permitted development

MA. ***Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.***

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

F155(a) . . . . . .

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

F156(c) . . . . . .

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Textual Amendments

F155 Sch. 2 Pt. 3 Class MA para. MA.1(1)(a) omitted (5.3.2024) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141), arts. 1(1), **3(2)(a)**

F156 Sch. 2 Pt. 3 Class MA para. MA.1(1)(c) omitted (5.3.2024) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141), arts. 1(1), **3(2)(b)**

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor,

the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; [F157]...

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

the impact on the local provision of the type of services lost **[**[F158]; and

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building**]**

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph **[**[F159]as if—

(a) for paragraph (e) of sub-paragraph (2) there were substituted—

"(e) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";

(b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";

(c) after sub-paragraph (6) there were inserted—

"(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";

(d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5), (6) and (6A)";**]**

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.**]**

Textual Amendments

F157 Word in Sch. 2 Pt. 3 Class MA para. MA.2(2)(g) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(16)(a)(i)(aa)** (with Sch.)

F158 Sch. 2 Pt. 3 Class MA para. MA.2(2)(i) and word inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(16)(a)(i)(bb)** (with Sch.)

F159 Words in Sch. 2 Pt. 3 Class MA para. MA.2(4) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(16)(a)(ii)** (with Sch.)

[[F160]Interpretation of Class MA

MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.**]**

Textual Amendments

F160 Sch. 2 Pt. 3 Class MA para. MA.3 inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(16)(b)** (with Sch.)

Class N – specified sui generis uses to dwellinghouses

Permitted development

N. Development consisting of—

(a) ***a change of use of a building and any land within its curtilage from a use as—***

(i) ***an amusement arcade or centre, or***

(ii) a casino,

to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; [F161or]

(b) ***[F162development referred to in paragraph (a) together with] building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Textual Amendments

F161 Word in Sch. 2 Pt. 3 Class N para. N.(a) substituted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **8(a)**

F162 Words in Sch. 2 Pt. 3 Class N para. N.(b) inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **8(b)**

Development not permitted

N.1 Development is not permitted by Class N if—

(a) the building was not used solely for one of the uses specified in Class N(a)—

(i) on 19th March 2014, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(b) the cumulative floor space of the existing building changing use under Class N exceeds 150 square metres;

(c) the development (together with any previous development under Class N) would result in more than 150 square metres of floor space in the building having changed use under Class N;

(d) the development under Class N(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph (d)(i);

(e) the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 [M37];

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(f) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(g) the building is a listed building or is within the curtilage of a listed building; or

(h) the site is, or contains, a scheduled monument.

Marginal Citations

M37 1981 c. 69. Section 41 was amended by sections 20 and 24 of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49), **Schedule 3** to the Norfolk and Suffolk Broads Act 1988 (c. 4), **Schedule 10** to the Environment Act 1995 (c. 25) and Schedules 11 and 12 to the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments not relevant to this Order.

Conditions

N.2—(1) Where the development proposed is development under Class N(a) together with development under Class N(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) contamination risks in relation to the building,

(c) flooding risks in relation to the building, [F163]...

(d) the design or external appearance of the building, **[**[F164]and**]**

[[F165](e) the provision of adequate natural light in all habitable rooms of the dwellinghouses,**]**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class N(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (c) **[**[F166]and (e),**]** and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class N is permitted subject to the condition that development under Class N(a), and under Class N(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Textual Amendments

F163 Word in Sch. 2 Pt. 3 Class N para. N.2(1)(c) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **14(a)** (with reg. 27)

F164 Word in Sch. 2 Pt. 3 Class N para. N.2(1)(d) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **14(b)** (with reg. 27)

F165 Sch. 2 Pt. 3 Class N para. N.2(1)(e) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **14(c)** (with reg. 27)

F166 Words in Sch. 2 Pt. 3 Class N para. N.2(2) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **14(d)** (with reg. 27)

Class O – offices to dwellinghouses

Permitted development

O. ***Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Development not permitted

O.1 Development is not permitted by Class O if—

F167(a) . . . . . .

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

F168(c) . . . . . .

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.

Textual Amendments

F167 Sch. 2 Pt. 3 Class O para. O.1(a) omitted (31.5.2019) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), art. 7(2)(iii)

F168 Sch. 2 Pt. 3 Class O para. O.1(c) omitted (6.4.2016) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **7(1)(b)**

Conditions

[[F169]**O.2**—(1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) contamination risks on the site,

(c) flooding risks on the site, [F170]...

(d) impacts of noise from commercial premises on the intended occupiers of the development **[**[F171], and**]**

[[F172](e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.**]**

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the **[**[F173]following conditions—

(a) the development must be completed within a period of 3 years starting with the prior approval date; and

(b) the developer must apply for a determination under sub-paragraph (1) on or before 31st July 2021**]]**

Textual Amendments

F169 Sch. 2 Pt. 3 Class O para. O.2 substituted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **7(1)(c)**

F170 Word in Sch. 2 Pt. 3 Class O para. O.2(1)(c) omitted (1.8.2020) by virtue of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **15(a)** (with reg. 27)

F171 Word in Sch. 2 Pt. 3 Class O para. O.2(1)(d) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **15(b)** (with reg. 27)

F172 Sch. 2 Pt. 3 Class O para. O.2(1)(e) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **15(c)** (with reg. 27)

F173 Words in Sch. 2 Pt. 3 Class O para. O.2(2) substituted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **7** (with art. 15(3))

[[F174]**Interpretation of Class O**

O.3. For the purposes of Class O, "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.**]**

Textual Amendments

F174 Sch. 2 Pt. 3 Class O para. O.3 inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **7(1)(d)**

Class P – storage or distribution centre to dwellinghouses

Permitted development

P. ***Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Development not permitted

P.1 Development is not permitted by Class P if—

(a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;

[[F175](c) the prior approval date falls on or after 10th June 2019;**]**

(d) the gross floor space of the existing building exceeds 500 square metres;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under this Class,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

(g) the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 [M38];

(iii) the Broads; or

(iv) a National Park;

(v) a World Heritage Site;

(h) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(i) the building is a listed building or is within the curtilage of a listed building; or

(j) the site is, or contains, a scheduled monument;

[[F176](k) the development is not completed within a period of 3 years starting with the prior approval date.**]**

Textual Amendments

F175 Sch. 2 Pt. 3 Class P para. P.1(c) substituted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **9(a)**

F176 Sch. 2 Pt. 3 Class P para. P.1(k) inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **9(b)**

Marginal Citations

M38 1981 c. 69. Section 41 was amended by sections 20 and 24 of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49), **Schedule 3** to the Norfolk and Suffolk Broads Act 1988 (c. 4), **Schedule 10** to the Environment Act 1995 (c. 25) and Schedules 11 and 12 to the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments not relevant to this Order.

Conditions

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must—

(a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) impacts of air quality on the intended occupiers of the development;

(ii) transport and highways impacts of the development,

(iii) contamination risks in relation to the building,

(iv) flooding risks in relation to the building,

(v) noise impacts of the development, and

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Interpretation of Class P

P.3 For the purposes of Class P—

"curtilage" (except in paragraph P.1(i)) means—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in storage or distribution centre use, closely associated with and serving the purposes of that building, or

(b) an area of land immediately beside or around the building in storage or distribution centre use no larger than the land area occupied by the building,

whichever is the lesser;

"general industrial use" means a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

"industrial services" means services provided from premises with a light industrial use or general industrial use;

"light industrial use" means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

"storage or distribution centre use" means a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order; and

"storage or distribution services" means services provided from premises with a storage or distribution centre use.

[F177 Class PA – premises in light industrial use to dwellinghouses

Textual Amendments

F177 Sch. 2 Pt. 3 Class PA and cross-heading inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **8**

Permitted development

PA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

PA.1. Development is not permitted by Class PA if—

(a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;

(b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(c) the prior approval date falls on or after 1st October 2020;

(d) the gross floor space of the existing building exceeds 500 square metres;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under this Class,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

(g) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(h) the building is a listed building or is within the curtilage of a listed building; or

(i) the site is, or contains, a scheduled monument.

Conditions

PA.2.—(1) Development is permitted by Class PA subject to the condition that before beginning the development, the developer must—

(a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a light industrial use on the date referred to in paragraph PA.1(b);

(b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the development,

(ii) contamination risks in relation to the building,

(iii) flooding risks in relation to the building,

(iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

[F178(v) the provision of adequate natural light in all habitable rooms of the dwellinghouses,**]**

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Development under Class PA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Textual Amendments

F178 Sch. 2 Pt. 3 Class PA para. 2(1)(b)(v) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **16** (with reg. 27)

Interpretation of Class PA

PA.3. For the purposes of Class PA—

"curtilage" (except in paragraph PA.1(h)) means—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in light industrial use, closely associated with and serving the purposes of that building, or

(b) an area of land immediately beside or around the building in light industrial use no larger than the land area occupied by the building,

whichever is the lesser;

"industrial services" means services provided from premises with a light industrial use or a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

"light industrial use" means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

"storage or distribution services" means services provided from premises with a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order.**]**

[F179 Class Q — buildings on agricultural units and former agricultural buildings to dwellinghouses

Textual Amendments

F179 Sch. 2 Pt. 3 Class Q substituted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **3** (with art. 10)

Permitted development

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q1. Development is not permitted by Class Q if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

(i) the development under Class Q(b) would result in an extension that—

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres,

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or

(bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

(j) the development under Class Q(c) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

(k) the site is on article 2(3) land,

(l) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area,

(m) the site is, or contains, a scheduled monument,

(n) the building is a listed building,

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

(p) the building does not have suitable existing access to a public highway.

Conditions

Q2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(f) the design or external appearance of the building, and

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

(4) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class Q

Q3.—(1) For the purposes of Class Q, “curtilage” means the lesser of—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and

(b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1(d), "the original limits of an established agricultural unit" means—

(a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.**]**

Class R – agricultural buildings to a flexible commercial use

[[F180]Permitted development

R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use—

(a) falling within one of the following provisions of the Use Classes Order—

(i) Class B2 (general industrial) of Schedule 1;

(ii) Class B8 (storage or distribution) of Schedule1;

(iii) Class C1 (hotels) of Schedule 1;

(iv) Class E (commercial, business or service) of Schedule 2; or

(v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or

(b) for the provision of agricultural training.**]**

Textual Amendments

F180 Sch. 2 Pt. 3 Class R para. R substituted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **4(2)**

Development not permitted

R.1 Development is not permitted by Class R if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds **[**[F181]1,000 square metres**]**;

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

Textual Amendments

F181 Words in Sch. 2 Pt. 3 Class R para R.1(b) substituted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **4(3)**

Conditions

R.2 Development is permitted by Class R subject to the following conditions—

(a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;

(b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;

(c) after a site has changed use under Class R, the planning permissions granted by **[**[F182]Class E**]** of Part 7 of this Schedule apply to the building, subject to the following modifications—

(i) "curtilage" has the meaning given in paragraph X (interpretation) of this Part;

(ii) any reference to "office building" is to be read as a reference to the building which has changed use under Class R.

[[F183](d) where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of—

(i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or

(ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods**]**

Textual Amendments

F182 Words in Sch. 2 Pt. 3 Class R para. R.2(c) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(17)(b)** (with Sch.)

F183 Sch. 2 Pt. 3 Class R para. R.2(d) inserted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **4(4)**

R.3—(1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—

(a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—

(i) the date the site will begin to be used for any of the flexible uses;

(ii) the nature of the use or uses; and

(iii) a plan indicating the site and which buildings have changed use;

(b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the development;

(ii) noise impacts of the development;

(iii) contamination risks on the site; and

(iv) flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

Interpretation of Class R

R.4 For the purposes of Class R, "flexible use" means use of any building or land for a use falling within the list of uses set out in Class R and change of use (in accordance with Class R) between any use in that list.

Class S – agricultural buildings to state-funded school [F184]...

Textual Amendments

F184 Words in Sch. 2 Pt. 3 Class S heading omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(18)(a)** (with Sch.)

Permitted development

S. ***Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to use as a state-funded school [[F185]falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order] .***

Textual Amendments

F185 Words in Sch. 2 Pt. 3 Class S para. S substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(18)(b)** (with Sch.)

Development not permitted

S.1 Development is not permitted by Class S if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class S begins;

(b) the cumulative area of—

(i) floor space within the existing building or buildings, and

(ii) land within the curtilage of that building or those buildings,

changing use under Class S within an established agricultural unit exceeds 500 square metres;

(c) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(d) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class S,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(e) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

(f) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(g) the site is, or contains, a scheduled monument; or

(h) the building is a listed building.

Conditions

S.2—(1) Development is permitted by Class S subject to the following conditions—

[[F186](a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school; and**]**

(b) before changing the use of the site under Class S the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the development,

(ii) noise impacts of the development,

(iii) contamination risks on the site,

(iv) flooding risks on the site, and

(v) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to use as a state-funded school [F187]...,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class S must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class S, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class S must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class S.

Textual Amendments

F186 Sch. 2 Pt. 3 Class S para. S.2(1)(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(18)(c)(i)** (with Sch.)

F187 Words in Sch. 2 Pt. 3 Class S para. S.2(1)(b)(v) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(18)(c)(ii)** (with Sch.)

*Class T – **[**[F188]commercial, business and service, hotels etc to state-funded schools**]***

Textual Amendments

F188 Sch. 2 Pt. 3 Class T heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(19)(a)** (with Sch.)

[[F189]**Permitted development**

T. Development consisting of a change of use of a building and any land within its curtilage from a use falling within one of the following provisions of the Use Classes Order—

(a) Class C1 (hotels) of Schedule 1;

(b) Class C2 (residential institutions) of Schedule 1;

(c) Class C2A (secure residential institutions) of Schedule 1; or

(d) Class E (commercial, business or service) of Schedule 2,

to use as a state-funded school falling within Class F.1(a) of Schedule 2 to that Order.**]**

Textual Amendments

F189 Sch. 2 Pt. 3 Class T para. T. substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(19)(b)** (with Sch.)

Development not permitted

T.1 Development is not permitted by Class T if—

F190(a) . . . . . .

(b) the site is, or forms part of, a military explosives storage area;

(c) the site is, or forms part of, a safety hazard area; or

(d) the building is a listed building or a scheduled monument.

Textual Amendments

F190 Sch. 2 Pt. 3 Class T para. T.1(a) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(19)(c)** (with Sch.)

Conditions

T.2—(1) Development is permitted by Class T subject to the following conditions—

[F191(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school;**]**

(b) before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—

(i) transport and highways impacts of the development;

(ii) noise impacts of the development; and

(iii) contamination risks on the site,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class T must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class T, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class T must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class T.

Textual Amendments

F191 Sch. 2 Pt. 3 Class T para. T.2(1)(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(19)(d)(i)** (with Sch.)

Class U – return to previous use from converted state-funded school or registered nursery

Permitted development

U. ***Development consisting of a change of use of land from a use permitted by Class T to the previous lawful use of the land.***

Class V – changes of use permitted under a permission granted on an application

Permitted development

V. ***Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.***

Development not permitted

V.1 Development is not permitted by Class V if—

(a) the application for planning permission referred to was made before 5th December 1988;

(b) it would be carried out more than 10 years after the grant of planning permission;

(c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or

(d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

Procedure for applications for prior approval under Part 3

W.—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development, which, in relation to development proposed under Class [F192]... M, N or Q of this Part, must **[**[F193]in the same application**]** include any building or other operations;

(b) a plan indicating the site and showing the proposed development;

[[F194](ba) in relation to development proposed under Classes **[**[F195]G**]** M, **[**[F196]MA,**]** N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, "net increase in dwellinghouses" is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);**]**

[[F197](bb) in relation to development proposed under Class Q of this Part, a statement specifying—

(i) the number of dwellinghouses proposed, and

(ii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of dwellinghouses and the cumulative floor space developed under Class Q;**]**

[[F198](bc) in relation to development proposed under Class **[**[F199]G,**]** M, **[**[F200]MA,**]** N, O, PA or Q of this Part, a floor plan indicating **[**[F201]the total floor space in square metres of each dwellinghouse,**]** the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;**]**

(c) the developer's contact address;

(d) the developer's email address if the developer is content to receive communications electronically; and

(e) where sub-paragraph (6) requires the Environment Agency [M39] to be consulted, a site-specific flood risk assessment,

together with any fee required to be paid.

[[F202](2ZA) For the purposes of sub-paragraph (2)(bb)(ii), previous development within the established agricultural unit includes any development under Class Q that—

(a) ceased to be part of the established agricultural unit after it was developed, or

(b) was developed after the site ceased to be part of the established agricultural unit where any other site on the established agricultural unit had already been developed under Class Q;**]**

[[F203](2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.**]**

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, **[**[F204]except for conditions in paragraph **[**[F205]G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(1)(f),**]** paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),**]** limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency [M40] where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that **[**[F206]form—**]**

[[F206](i) on any adjoining owner or occupier; and

(ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building**]**

(9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated; or

(c) details of proposed building or other operations.

(10) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);

[[F207](b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F208]July 2021**]**, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and**]**

(c) in relation to the contamination risks on the site—

(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 [M41], and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012 [M42], and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(11) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),

unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

[[F209](14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.**]**

Textual Amendments

F192 Word in Sch. 2 Pt. 3 para. W(2)(a) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(20)(a)(i)** (with Sch.)

F193 Words in Sch. 2 Pt. 3 para. W.(2) inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **11(a)**

F194 Sch. 2 Pt. 3 para. W(2)(ba) inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **10** (with art. 15(2))

F195 Word in Sch. 2 Pt. 3 para. W(2)(ba) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(20)(a)(ii)** (with Sch.)

F196 Word in Sch. 2 Pt. 3 para. W(2)(ba) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **8(2)(a)** (with art. 15(3))

F197 Sch. 2 Pt. 3 para. W(2)(bb) substituted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **5(2)** (with art. 10)

F198 Sch. 2 Pt. 3 para. W(2)(bc) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **18(a)**

F199 Word in Sch. 2 Pt. 3 para. W(2)(bc) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(20)(a)(iii)** (with Sch.)

F200 Word in Sch. 2 Pt. 3 para. W(2)(bc) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **8(2)(b)(i)** (with art. 15(3))

F201 Words in Sch. 2 Pt. 3 para. W(2)(bc) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **8(2)(b)(ii)** (with art. 15(2)(a)(3))

F202 Sch. 2 Pt. 3 para. W(2ZA) inserted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **5(3)** (with art. 10)

F203 Sch. 2 Pt. 3 para. W(2A) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **18(b)**

F204 Words in Sch. 2 Pt. 3 para. W(3) inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **18(c)**

F205 Words in Sch. 2 Pt. 3 para. W(3) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(20)(b)** (with Sch.)

F206 Words in Sch. 2 Pt. 3 para. W(8)(b) substituted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **8(3)** (with art. 15(2)(a)(3))

F207 Sch. 2 Pt. 3 para. W(10)(b) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **9**

F208 Words in Sch. 2 Pt. 3 para. W(10)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(b)**

F209 Sch. 2 Pt. 3 para. W.(14) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(2)**

Marginal Citations

M39 A body established under section 1 of the Environment Act 1995 (c. 25).

M40 A body established under section 1 of the Environment Act 1995 (c. 25).

M41 1990 c. 25. Part 2A was inserted by section 57 of the Environment Act 1995 (c. 25). See in particular section 78(2), was amended by section 86 of the Water Act 2003 (c. 37).

M42 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf

Interpretation of Part 3

X. For the purposes of Part 3—

"agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses;

"agricultural tenancy" means a tenancy under—

(a) the Agricultural Holdings Act 1986 [M43]; or

(b) the Agricultural Tenancies Act 1995 [M44];

"curtilage" means, for the purposes of Class [F210]... R or S only—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

whichever is the lesser;

"established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture—

(a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or

(b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

[[F211]"habitable rooms" means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;**]**

"pay day loan shop" has the meaning given in the Use Classes Order [M45];

"prior approval date" means the date on which—

(a) prior approval is given; or

(b) a determination that such approval is not required is given or the period for giving such a determination set out in paragraph W(11)(c) of this Part has expired without the applicant being notified whether prior approval is required, given or refused;

"registered nursery" means non-domestic premises in respect of which a person is registered under Part 3 of the Childcare Act 2006 [M46] to provide early years provision;

"site" means the building and any land within its curtilage;

"state-funded school" means a school funded wholly or mainly from public funds, including—

(a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010 [M47];

(b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998 [M48]; and

"sui generis use" means a use for which no class is specified in **[**[F212]Schedule 1 or 2**]** to the Use Classes Order.

Textual Amendments

F210 Word in Sch. 2 Pt. 3 para. X omitted (21.5.2024) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **6(2)**

F211 Words in Sch. 2 Pt. 3 para. X inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **19**

F212 Words in Sch. 2 Pt. 3 para. X substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **4(21)** (with Sch.)

Marginal Citations

M43 1986 c. 5; relevant amendments are made by Schedule 12 to the Education Reform Act 1988 (c. 40), the Schedule to the Agricultural Tenancies Act 1995 (c. 8), **Schedule 8** to the Civil Partnership Act 2004 (c. 33) and S.I. 2006/2805 and 2013/1036.

M44 1995 c. 8; relevant amendments are made by Schedule 8 to the Civil Partnership Act 2004, and S.I. 2006/2805 and 2013/1036.

M45 S.I. 1987/764. The definition of "pay day loan shop" was inserted by S.I. 2015/597.

M46 2006 c. 21. See in particular: section 34 regarding the need for a person to be registered in respect of premises; section 96 in relation to the definition of "early years provision"; and section 98 in relation to the definition of "premises" (to which there are amendments not relevant to this Order). There are other amendments to the 2006 Act but none are relevant to this Order.

M47 2010 c. 32; see in particular sections 1 to 1C. Relevant amendments are made by Part 6 of the Education Act 2011 (c. 21).

M48 1998 c. 31. The definition was amended by S.I. 2010/1158; there are other amendments to section 142(1) but none are relevant to this Order.

PART 4

Temporary buildings and uses

Class A – temporary buildings and structures

Permitted development

A. ***The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.***

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the operations referred to are mining operations, or

(b) planning permission is required for those operations but is not granted or deemed to be granted.

Conditions

A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

(a) any building, structure, works, plant or machinery permitted by Class A is removed, and

(b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.

Class B – temporary use of land

Permitted development

B. ***The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—***

(a) ***the holding of a market;***

(b) ***motor car and motorcycle racing including trials of speed, and practising for these activities,***

and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted

B.1 Development is not permitted by Class B if—

F213(a) . . . . . .

(b) the land in question is a building or is within the curtilage of a building;

[[F214](c) the use of the land is for the siting of any caravan except a caravan which—

(i) is a motor vehicle designed or adapted for human habitation; and

(ii) is sited on the land in connection with a festival;**]**

(d) the land is, or is within, a site of special scientific interest and the use of the land is for—

(i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;

(ii) clay pigeon shooting; or

(iii) any war game**[**[F215];**]**

(e) the use of the land is for the display of an advertisement**[**[F216]; or

(f) the use of land is for camping, except when in connection with a festival.**]**

Textual Amendments

F213 Sch. 2 Pt. 4 para. B.1(a) omitted (6.4.2016) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **11**

F214 Sch. 2 Pt. 4 Class B para. B.1(c) substituted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(2)(a)** (with art. 8)

F215 Sch. 2 Pt. 4 Class B para. B.1(d)(iii): semi-colon substituted for comma and word (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(2)(b)** (with art. 8)

F216 Sch. 2 Pt. 4 Class B para. B.1(f) and word: words substituted for full stop (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(2)(c)** (with art. 8)

***[**[F217] Class BA - additional temporary use of land during the relevant period*

Textual Amendments

F217 Sch. 2 Pt. 4 Class BA inserted (25.6.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(3), **20**

Permitted development

BA. ***The use of any land, in addition to that permitted by Class B of Part 4 of Schedule 2, for any purposes for not more than 28 days in total during the relevant period, of which no more than 14 days in total may be for the purposes of —***

(a) ***the holding of a market;***

(b) ***motor car and motorcycle racing including trials of speed, and practising for these activities,***

and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted

BA.1 Development is not permitted by Class BA if—

(a) the land in question is a building or is within the curtilage of a listed building;

(b) the use of the land is for a caravan site;

(c) the land is, or is within, a site of special scientific interest and the use of the land is for—

(i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;

(ii) clay pigeon shooting; or

(iii) any war game, or

(d) the use of the land is for the display of an advertisement.

Interpretation of Class BA

BA.2 For the purposes of Class BA—

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class B of Part 4, or Class BA of Part 12, of this Schedule; and

"the relevant period" means **[**[F218]1st January 2021 to 31st December 2021**].]**

Textual Amendments

F218 Words in Sch. 2 Pt. 4 Class BA para. BA.2 substituted (1.1.2021) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(4), **4**

[[F219]*Class BB – moveable structures for historic visitor attractions and listed pubs, restaurants etc*

Textual Amendments

F219 Sch. 2 Pt. 4 Class BB substituted (2.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(b), **5** (with art. 10)

Permitted development

BB. ***The provision of one moveable structure within the curtilage, and for the purposes, of—***

(a) ***a listed building used for a purpose within—***

(i) ***article 3(6)(p) or (q) (drinking establishments etc.) of the Use Classes Order; or***

(ii) ***Class E(b) (sale of food and drink etc.) of Schedule 2 to that Order; or***

(b) ***a historic visitor attraction.***

Development not permitted

BB.1. Development is not permitted by Class BB—

(a) on land which is or forms part of a scheduled monument or land within its curtilage;

(b) if any part of the moveable structure would be within 2 metres of the curtilage of any adjacent land that is used for a purpose within Part C (residential uses) of Schedule 1 to the Use Classes Order;

(c) if it would result in provision of a moveable structure being made within the curtilage of a building under Class BB on a total of more than 120 days in the relevant period;

(d) if the height of the moveable structure would exceed 3 metres;

(e) if the footprint of the moveable structure would exceed the lesser of—

(i) 50% of the footprint of the building, or

(ii) 50 square metres;

(f) if the moveable structure is used for the display of an advertisement.

Conditions

BB.2. Development is permitted by Class BB subject to the following conditions—

(a) where the moveable structure provided under Class BB is removed, the land must, as soon as reasonably practicable and so far as reasonably practicable, be reinstated to its original condition;

(b) before a moveable structure is provided under Class BB (whether for the first time, or following the expiry of the relevant period), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) the siting of the moveable structure, and

(ii) the method by which it is to be installed,

and paragraph BB.3 applies in relation to that application.

Procedure for applications for prior approval under Class BB

BB.3.—(1) This paragraph applies where under Class BB a developer is required to make an application to the local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development;

(b) a plan indicating the site and showing the proposed development;

(c) a statement setting out the proposed methods of—

(i) installing the moveable structure; and

(ii) reinstating the land to its original condition once the moveable structure is removed;

(d) the developer's contact address; and

(e) the developer's email address if the developer is content to receive communications electronically,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions and limitations specified in Class BB as being applicable to the development in question.

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) On receipt of the application, the local planning authority must consult Historic England.

(6) The local planning authority must notify Historic England specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(7) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(8) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(9) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of consultation under sub-paragraph (5) and any notice given under sub-paragraph (7); and

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(10) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application referred to in sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(11) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2), unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(13) When computing the number of days in sub-paragraph (7)(a), any day which is a public holiday must be disregarded.

Interpretation of Class BB

BB.4. For the purposes of Class BB—

"footprint", in relation to a building or a moveable structure, means the total area of ground covered by the building or moveable structure;

"historic visitor attraction" means a listed building accessible by members of the public (whether or not for an entry fee) for the purposes of promoting their enjoyment, and advancing their knowledge, of the building;

"original condition", in relation to land on which a moveable structure is provided, means the condition of the land before the moveable structure was provided;

"relevant period" means the period of 12 months beginning with the day on which one of the events described in paragraph BB.3(10) occurs.**]**

[F220 Class BC – temporary recreational campsites

Textual Amendments

F220 Sch. 2 Pt. 4 Class BC inserted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(3)**

Permitted development

BC. Development consisting of—

(a) the use of any land as a recreational campsite for not more than 60 days in total in any calendar year; and

(b) the provision on such land of—

(i) not more than 50 pitches; and

(ii) any moveable structure reasonably necessary for the purposes of the permitted use.

Development not permitted

BC.1 Development is not permitted by Class BC—

(a) on a site of a scheduled monument;

(b) in a safety hazard area;

(c) in a military explosives storage area;

(d) on a site of special scientific interest;

(e) on a site of a listed building;

(f) for the siting of any caravan except a caravan which is used as a motor vehicle designed or adapted for human habitation.

Conditions

BC.2 Development is permitted by Class BC subject to the following conditions—

(a) the developer must make on-site provision for users of the campsite of toilet and waste disposal facilities;

(b) the developer must notify the local planning authority in writing before commencement of development in each calendar year, providing a copy of the site plan, which must include particulars of—

(i) toilet and waste disposal facilities; and

(ii) the dates on which the site will be in use;

(c) the local planning authority (if not the same body as the fire and rescue authority in an area) must as soon as practicable provide to the relevant fire and rescue authority the notice described in paragraph BC.2(b); and

(d) where the proposed development is on land within Flood Zone 2 or Flood Zone 3, the permitted development is subject to prior approval by the local planning authority before commencement of development in each calendar year.

Procedure for applications for prior approval under Class BC

BC.3.—(1) The following provisions apply where under Class BC a developer is required to apply to the local planning authority for prior approval.

(2) The application must be accompanied by—

(a) a site-specific flood risk assessment, including provision for warning and evacuation; and

(b) any fee required to be paid.

(3) On receipt of the application, the local planning authority must notify and consult the Environment Agency specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(4) The local planning authority must, when determining the application—

(a) take into account the response by the Environment Agency; and

(b) have regard to the National Planning Policy Framework issued by the Department for Levelling Up, Housing and Communities in July 2021 so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(5) The development must not begin before either—

(a) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(b) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(6) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. **]**

*Class C – use as a state-funded school for **[**[F221]2 academic years**]***

Textual Amendments

F221 Words in Sch. 2 Pt. 4 Class C heading substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **4(a)** (with art. 8)

Permitted development

C. ***The use of a building and any land within its curtilage as a state-funded school [**[F222]**falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order] for [**[F223]**2 academic years].***

Textual Amendments

F222 Words in Sch. 2 Pt. 4 Class C para. C inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(2)(a)** (with Sch.)

F223 Words in Sch. 2 Pt. 4 Class C para. C substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **4(a)** (with art. 8)

Development not permitted

C.1 Development is not permitted by Class C if—

(a) the existing use of the site is not a class of use specified in **[**[F224]Schedule 1 or 2**]** to the Use Classes Order;

(b) the site is, or forms part of, a military explosives storage area;

(c) the site is, or forms part of, a safety hazard area;

(d) the building is a listed building or a scheduled monument; or

[[F225](e) the building is used for a purpose falling within **[**[F226]Class F.2 (local community) of Schedule 2 to the Use Classes Order**].]**

Textual Amendments

F224 Words in Sch. 2 Pt. 4 Class C para. C.1(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(2)(b)(i)** (with Sch.)

F225 Sch. 2 Pt. 4 Class C para. C.1(e) substituted (23.5.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(2)(a)(i)** (with art. 5)

F226 Words in Sch. 2 Pt. 4 Class C para. C.1(e) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(2)(b)(ii)** (with Sch.)

Conditions

C.2 Development is permitted by Class C subject to the following conditions—

(a) the site must be approved for use as a state-funded school by the relevant Minister;

(b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;

(c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within **[**[F227]Class F.1(a) (provision of education) of Schedule 2**]** to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;

[[F228](d) the permission is granted for up to 2 academic years and it may only be used once in relation to a particular site;**]**[F229]...

[[F230](da) for the purposes of the Use Classes Order as it applies to Class T of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use class it had before changing to the use as a state-funded school;

(db) for the purposes of Class S of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use as an agricultural building before changing to the use as a state-funded school; and**]**

[[F231](e) the site reverts to its previous lawful use at the end of the second academic year or when it is no longer required for use as a state-funded school, whichever is earlier; and**]**

[F232](f) . . . . . .

Textual Amendments

F227 Words in Sch. 2 Pt. 4 Class C para. C.2(c) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(2)(c)** (with Sch.)

F228 Sch. 2 Pt. 4 Class C para. C.2(d) substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **4(b)** (with art. 8)

F229 Word in Sch. 2 Pt. 4 Class C para. C.2(d) omitted (25.5.2019) by virtue of The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **10(a)**

F230 Sch. 2 Pt. 4 Class C para. C.2(da)(db) inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **10(b)**

F231 Sch. 2 Pt. 4 Class C para. C.2(e) substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **4(c)** (with art. 8)

F232 Sch. 2 Pt. 4 Class C para. C.2(f) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(2)(a)(ii)** (with art. 5)

Interpretation of Class C

C.3 For the purposes of Class C—

"academic year" means any period beginning with 1st August and ending with the next 31st July;

[F233]…

[F233]…

[F233]…

"relevant Minister" means the Secretary of State with policy responsibility for schools;

"state-funded school" means a school funded wholly or mainly from public funds, including—

(a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010;

(b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998;

[F233]…

[F233]…

Textual Amendments

F233 Words in Sch. 2 Pt. 4 Class C para. C.3 omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(2)(a)(iii)** (with art. 5)

[F234 Class CA – provision of a temporary state-funded school on previously vacant commercial land

Textual Amendments

F234 Sch. 2 Pt. 4 Class CA inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **5** (with art. 8)

Permitted Development

CA. ***Development consisting of the provision of temporary school buildings on vacant commercial land and the use of that land as a state-funded school [F235 falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order] for up to 3 academic years.***

Textual Amendments

F235 Words in Sch. 2 Pt. 4 Class CA para. CA inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(3)(a)** (with Sch.)

Development not permitted

CA.1. Development is not permitted by Class CA if—

(a) the new buildings provided would cover more than 50% of the total area of the site;

(b) the total floor space of the new buildings provided would exceed 2,500 square metres;

(c) the land was last used more than 10 years before the date on which the developer applies for prior approval under paragraph CA.2(1)(b);

(d) the site is, or forms part of—

(i) a site of special scientific interest,

(ii) a safety hazard area, or

(iii) a military explosives storage area;

(e) where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), any part of any temporary building provided is within 5 metres of the boundary of the curtilage of that residential land; or

(f) the height of any new building provided would exceed 7 metres.

Conditions

CA.2.—(1) Development is permitted by Class CA subject to the following conditions—

(a) the site must be approved for use as a state-funded school by the relevant Minister;

(b) before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—

(i) transport and highways impacts of the development,

(ii) noise impacts of the development,

(iii) contamination risks of the site,

(iv) flooding risks on the site, and

(v) the siting and design of the development,

and the provisions of sub-paragraphs (2) to (13) of paragraph W (prior approval) of Part 3 of this Schedule apply in relation to that application, subject to the modifications in paragraph CA.2(2);

(c) development under Class CA must begin within a period of 3 years starting with the prior approval date;

(d) the permission is granted for 3 academic years and it may be used only once in relation to a particular site; and

(e) any building is removed from the land at the end of the third academic year or, if earlier, when it is no longer required for use as a state-funded school, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

(2) Sub-paragraphs (2) to (13) of paragraph W (prior approval) of Part 3 of this Schedule are to be read as if—

(a) in sub-paragraph (2)(a), the words following "proposed development" were omitted;

(b) sub-paragraph (2)(ba) were omitted; and

(c) in sub-paragraph (3), the words "in this Part" were omitted.

Interpretation of Class CA

CA.3. For the purposes of Class CA—

"academic year", "relevant Minister" and "state-funded school" have the meanings given in paragraph C.3;

"prior approval date" means the date on which—

(a) prior approval is given; or

(b) a determination that such prior approval is not required is given or the period for giving such a determination set out in paragraph W(11)(c) of Part 3 of this Schedule (as applied with modifications by paragraph CA.2(2)) has expired without the applicant being notified whether prior approval is required, given or refused; and

"vacant commercial land" means any land on which—

(a) all buildings have been demolished; and

(b) **[**[F236]which was last used for a purpose falling within one of the following provisions of the Use Classes Order—

(i) Class C1 (hotels) of Schedule 1;

(ii) Class C2 (residential institutions) of Schedule 1;

(iii) Class C2A (secure residential institutions) of Schedule 1;

(iv) Class E (commercial, business and service) of Schedule 2.**]]**

Textual Amendments

F236 Words in Sch. 2 Pt. 4 Class CA para. CA.3 substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(3)(b)** (with Sch.)

[F237 Class CB – temporary provision of buildings for a school with a RAAC-affected building

Textual Amendments

F237 Sch. 2 Pt. 4 Class CB inserted (25.10.2023) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2023 (S.I. 2023/1110), arts. 1(1), **2**

Permitted Development

CB. The temporary provision of buildings on school land where the school has a RAAC-affected building.

Development not permitted

CB.1. Development is not permitted by Class CB—

(a) if the school land covered by the building provided is, or forms part of—

(i) a site of special scientific interest,

(ii) a safety hazard area,

(iii) a military explosives storage area, or

(iv) a scheduled monument or land within its curtilage;

(b) if any part of any building provided would be within 5 metres of the boundary of the curtilage of land adjacent to the school land, where that adjacent land is used for a purpose within Part C (residential purposes) of Schedule 1 to the Use Classes Order;

(c) if any building provided would have more than two storeys;

(d) if the height of any building provided would exceed 9 metres;

(e) after the end of the period of three years beginning on 25th October 2023 and ending at 11.59 p.m. on 24th October 2026.

Conditions

CB.2. Development is permitted by Class CB subject to the following conditions—

(a) the combined floor space of any buildings provided under Class CB is not more than 125% of the combined floor space of the parts of the RAAC-affected buildings which have been vacated due to the presence of RAAC;

(b) at the relevant time, the school must provide a written notification to the local planning authority which includes all of the following—

(i) the date or expected date of the beginning of development;

(ii) the address of the school;

(iii) the contact address for the school;

(iv) the size of the area, in square metres, of the combined floor space of the parts of the RAAC-affected buildings which have been vacated due to the presence of RAAC;

(v) the size of the area, in square metres, of the combined floor space of any buildings which form part of this development and any buildings provided under previous developments under Class CB (excluding buildings which are no longer provided);

(vi) a written description of the development;

(vii) a plan indicating the school's school land, and any buildings on that land, and showing the development;

(viii) confirmation that there is a RAAC-affected building on the school's school land;

(c) at the relevant time, the school must also provide to the relevant fire and rescue authority a copy of the notification described in sub-paragraph (b);

(d) the development does not result in an increase to the school's published admission number;

(e) buildings are placed so as to minimise, so far as practicable, any reduction in the amount of the school land—

(i) used as playing fields;

(ii) used as space available for the parking or turning of vehicles;

(f) any building provided under Class CB is removed from the school's school land—

(i) as soon as reasonably practicable after such time as each RAAC-affected building on the school's school land has been remediated or replaced; or

(ii) before the period in CB.1(e) has elapsed,

whichever is the sooner;

(g) following the removal of any building provided under Class CB, as soon as reasonably practicable the school land used in connection with the provision of that building is restored to the condition it was in before the development took place.

Interpretation of Class CB

CB.3. For the purposes of Class CB—

"published admission number" has the meaning given in paragraph M.3 of Part 7 of this Schedule;

"RAAC" means reinforced autoclaved aerated concrete;

"RAAC-affected building" means a building on school land which has been vacated, in whole or in part, pursuant to a decision by the school, in discharge of its health and safety obligations, that the building should be vacated due to the presence of RAAC;

"relevant time" means—

(a) where development begins after 25th October 2023, before development begins or as soon as reasonably practicable after it has begun;

(b) where development begins on or before 25th October 2023, as soon as reasonably practicable after that date;

"school" does not include buildings or land provided at any time under Class C or CA;

"school land" means land available for use by a school for a purpose falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order.**]**

Class D – [[F238]commercial, business and service etc to temporary flexible use]

Textual Amendments

F238 Sch. 2 Pt. 4 Class D heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(4)(a)** (with Sch.)

Permitted development

D. ***Development consisting of a change of use of a building and any land within its curtilage—***

[[F239](a) from a use falling within one of the following provisions of the Use Classes Order—

(i) article 3(6)(n) (betting office);

(ii) article 3(6)(o) (pay day loan shop);

(iii) article 3(6)(r) (hot food takeaway); or

(iv) Class E (commercial, business and service) of Schedule 2,

(b) to a flexible use falling within one of the following provisions of Schedule 2 to that Order—

(i) Class E (commercial, business and service);

(ii) Class F.1(b) (display of art);

(iii) Class F.1(c) (museum);

(iv) Class F.1(d) (public library or public reading room); or

(v) Class F.1(e) (public hall or exhibition hall),]

Textual Amendments

F239 Sch. 2 Pt. 4 Class D para. D(a)(b) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(4)(b)** (with Sch.)

for a single continuous period of up to [[F240]3 years] beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.

Textual Amendments

F240 Words in Sch. 2 Pt. 4 Class D para. D substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **11(b)**

Textual Amendments

F240 Words in Sch. 2 Pt. 4 Class D para. D substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **11(b)**

Development not permitted

D.1 Development is not permitted by Class D if—

(a) the change of use relates to more than 150 square metres of floor space in the building;

(b) the site has at any time in the past relied upon the permission granted by Class D;

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area;

(e) the building is a listed building or a scheduled monument; or

[F241](f) . . . . . .

Textual Amendments

F241 Sch. 2 Pt. 4 Class D para. D.1(f) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(2)(b)(iii)** (with art. 5)

Conditions

D.2 Development is permitted by Class D subject to the following conditions—

(a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;

(b) at any given time during the **[**[F242]3 year**]** period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;

(c) the site may at any time during the **[**[F243]3 year**]** period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);

(d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;

(e) the site reverts to its previous lawful use at the end of the period of flexible use;

[F244](f) . . . . . .

Textual Amendments

F242 Words in Sch. 2 Pt. 4 Class D para. D.2(b) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **11(c)**

F243 Words in Sch. 2 Pt. 4 Class D para. D.2(c) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **11(c)**

F244 Sch. 2 Pt. 4 Class D para. D.2(f) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(2)(b)(iv)** (with art. 5)

Interpretation of Class D

D.3 For the purposes of Class D—

[F245] …

"flexible use" means use of any building or land for a use falling within the list of uses set out in Class D(b) and change of use (in accordance with Class D) between any use in that list.

Textual Amendments

F245 Words in Sch. 2 Pt. 4 Class D para. D.3 omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **3(2)(b)(v)** (with art. 5)

[[F246]Class DA - Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food

Textual Amendments

F246 Sch. 2 Pt. 4 Class DA inserted (24.3.2020 at 10.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 (S.I. 2020/330), arts. 1, **4**

Permitted Development

DA. ***Development consisting of a change of use of a building and any land within its curtilage from—***

(a) ***a use falling within—***

[[F247](i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order;

(ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order; or

(iii) Class E(b) (sale of food and drink mostly for consumption on the premises) of Schedule 2 to that Order; or**]**

(b) ***a mixed use for any purpose within [[F248]article 3(6)(p) and Class E(b),][F249]...***

[F250](c) . . . . . .

to a use, at any time during the period beginning with 10.00 a.m. on 24th March 2020 and ending with [[F251]23rd March 2022] ("the relevant period"), for the provision of takeaway food.

Textual Amendments

F247 Sch. 2 Pt. 4 Class DA para. DA(a)(i)-(iii) substituted for Class DA para. DA(i)(ii) (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(5)(a)(i)** (with Sch.)

F248 Words in Sch. 2 Pt. 4 Class DA para. DA(b) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(5)(a)(ii)** (with Sch.)

F249 Word in Sch. 2 Pt. 4 Class DA para. DA(b) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(5)(a)(iii)** (with Sch.)

F250 Sch. 2 Pt. 4 Class DA para. DA(c) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(5)(a)(iv)** (with Sch.)

F251 Words in Sch. 2 Pt. 4 Class DA para. DA substituted (3.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(2), **5**

Conditions

DA.1. Development is permitted by Class DA subject to the following conditions—

(a) the developer must notify the local planning authority if the building and any land within its curtilage is being used, or will be used, for the provision of takeaway food at any time during the relevant period;

(b) for the purposes of the Use Classes Order and this Order, change of use to the provision of takeaway food under Class DA during the relevant period does not affect the use class which the building and any land within its curtilage had before the change of use; and

(c) if the developer changes use to the provision of takeaway food under Class DA during the relevant period, the use of the building and any land within its curtilage reverts to its previous lawful use at the end of the relevant period or, if earlier, when the developer ceases to provide takeaway food under Class DA.

Interpretation of Class DA

DA.2. For the purposes of Class DA—

the "provision of takeaway food" includes any use for any purpose within **[**[F252]article 3(6)(r) of**]** the Use Classes Order, and any use for the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises.**]**

Textual Amendments

F252 Words in Sch. 2 Pt. 4 Class DA para. DA.2 substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **5(5)(b)** (with Sch.)

[[F253]*Class DB: Use of qualifying high-street premises changing to a suitable high-street use*

Textual Amendments

F253 Sch. 2 Pt. 4 Class DB inserted (2.12.2024) by The Local Authorities (Rental Auctions) (England) and Town and Country Planning (General Permitted Development) (Amendment) Regulations 2024 (S.I. 2024/1139), regs. 1(2), **15**

Permitted development

DB. Development consisting of a change of use of a building which is a qualifying high-street premises within the meaning of section 192(2) of the Levelling-up and Regeneration Act 2023 ("the 2023 Act") and any land within the curtilage of that building to a suitable high-street use (as defined by section 192(4) of the 2023 Act) for the duration of a tenancy granted following a rental auction of the premises held under Part 10 of the 2023 Act.

Development not permitted

DB.1. Development is not permitted by Class DB if the premises form part of a site which is, or forms part of—

(a) a military explosives storage area, or

(b) a safety hazard area.

Conditions

DB.2. Development is permitted by Class DB subject to the following conditions—

(a) the local authority responsible for the rental auction must notify the local planning authority of—

(i) the suitable high-street use for which the premises will be used;

(ii) the date on which that use will commence;

(iii) the date on which that use will cease;

(b) at the end of the tenancy granted in relation to the premises, the premises must revert to their former use.**]**

Class E – temporary use of buildings or land for film-making purposes

Permitted development

E. ***Development consisting of—***

(a) ***the temporary use of any land or buildings for a period not exceeding [F254 12 months] in any 27 month period for the purpose of commercial film-making; and***

(b) ***the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.***

Textual Amendments

F254 Words in Sch. 2 Pt. 4 Class E para. E(a) substituted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(4)(a)**

Development not permitted

E.1 Development is not permitted by Class E if—

(a) the land in question, or the land on which the building in question is situated, is more than **[**F255 3 hectares**]**;

(b) the use of the land is for overnight accommodation;

(c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds **[**F256 20 metres**]**, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land;

(d) the land or building is on article 2(3) land;

(e) the land or the site on which the building is located is or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(f) the land or building is, or contains, a scheduled monument; or

(g) the land or building is a listed building or is within the curtilage of a listed building.

Textual Amendments

F255 Words in Sch. 2 Pt. 4 Class E para. E.1(a) substituted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(4)(b)**

F256 Words in Sch. 2 Pt. 4 Class E para. E.1(c) substituted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(4)(c)**

Conditions

E.2—(1) Class E development is permitted subject to the condition that—

(a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and

(b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.

(2) Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) the schedule of dates which make up the filming period in question and the hours of operation,

(b) transport and highways impacts of the development,

(c) noise impacts of the development,

(d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and

(e) flooding risks on the site,

and the provisions of paragraph E.3 apply in relation to that application.

Procedure for applications for prior approval under Class E

E.3—(1) The following provisions apply where under Class E a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development;

(b) a plan indicating the site and showing the proposed development;

(c) the developer's contact address;

(d) the developer's email address if the developer is content to receive communications electronically; and

(e) a site-specific flood risk assessment,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class E as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) On receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) On receipt of the application, the local planning authority must consult the Environment Agency [M49] where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks; or

(b) statements setting out how impacts or risks are to be mitigated.

(10) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); and

[[F257](b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F258]July 2021**]**, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.**]**

(11) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

[[F259](14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.**]**

Textual Amendments

F257 Sch. 2 Pt. 4 Class E para. E.3(10)(b) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **12**

F258 Words in Sch. 2 Pt. 4 Class E para. E.3(10)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(c)**

F259 Sch. 2 Pt. 4 para. E.3(14) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(3)**

Marginal Citations

M49 A body established under section 1 of the Environment Act 1995 (c. 25).

Interpretation of Class E

E.4 For the purposes of Class E—

"broadcast or transmission" means—

(a) broadcast of the film or television programme by—

(i) a television programme provider, or

(ii) any other person for commercial gain,

(b) transmission of it, including over the internet, by—

(i) a television programme provider, or

(ii) any other person for commercial gain, or

(c) theatrical release of it at the commercial cinema;

"commercial film-making" means filming for broadcast or transmission but does not include the filming of persons paying to visit the site to participate in any leisure activity on that site including—

(a) motor car and motorcycle racing including trials of speed or other motor sports, and practising for those activities, or

(b) clay pigeon shooting or any war game;

"filming period" means a period, not exceeding **[**[F260]12 months**]** in total, during which the land or building is used for commercial film-making (including activities preparatory to, or otherwise related to, that film-making) under Class E; and

"television programme provider" has the meaning given in section 99(2) of the Broadcasting Act 1996 [M50].

Textual Amendments

F260 Words in Sch. 2 Pt. 4 Class E para. E.4 substituted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **3(4)(a)**

Marginal Citations

M50 1996 c. 55. There are amendments to section 99 which are not relevant to this Order.

Interpretation of Part 4

F. For the purposes of Part 4—

"site" means the building and any land within its curtilage; and

"war game" means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

PART 5

Caravan sites and recreational campsites

Class A – use of land as caravan site

Permitted development

A. ***The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.***

Condition

A.1 Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable.

Interpretation of Class A

A.2 The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

Class B – development on caravan site required by conditions

Permitted development

B. ***Development required by the conditions of a site licence for the time being in force under the 1960 Act.***

Class C – use of land by members of certain recreational organisations

Permitted development

C. ***The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.***

Development not permitted

C.1 Development is not permitted by Class C if the land is a building or is within the curtilage of a dwellinghouse.

Interpretation of Class C

C.2 For the purposes of Class C, "recreational organisation" means an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936 (power of local authority to control use of moveable dwellings) [M51].

Marginal Citations

M51 1936 c. 49; relevant amendments are made by section 30(1) of, and Schedule 4 to, the Caravan Sites and Control of Development Act 1960 (c. 62) and Schedule 6 to the Building Act 1984 (c. 55).

PART 6

Agricultural and forestry

Class A – agricultural development on units of 5 hectares or more

Permitted development

A. ***The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—***

(a) ***works for the erection, extension or alteration of a building; or***

(b) ***any excavation or engineering operations,***

which are reasonably necessary for the purposes of agriculture within that unit.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;

(c) it would consist of, or include, the erection, extension or alteration of a dwelling;

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

(e) the ground area which would be covered by—

(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations **[**[F261]would exceed 1,000 square metres**]**; or

(ii) any building erected or extended or altered by virtue of Class A **[**[F262]would exceed 1,500 square metres**]**,

[F263]... calculated as described in paragraph D.1(2)(a) of this Part;

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; [F264]...

(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

(ii) is or would be within 400 metres of the curtilage of a protected building **[**[F265]; or

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument**]**.

Textual Amendments

F261 Words in Sch. 2 Pt. 6 Sch. 2 Pt. 6 Class A para. A.1(e)(i) inserted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **7(2)(a)** (with art. 10)

F262 Words in Sch. 2 Pt. 6 Sch. 2 Pt. 6 Class A para. A.1(e)(ii) inserted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **7(2)(b)** (with art. 10)

F263 Words in Sch. 2 Pt. 6 Class A para. A.1(e) omitted (21.5.2024) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **7(2)(c)** (with art. 10)

F264 Word in Sch. 2 Pt. 6 Class A para. A.1(j) omitted (21.5.2024) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **7(3)** (with art. 10)

F265 Sch. 2 Pt. 6 Class A para. A.1(l) and word inserted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **7(4)** (with art. 10)

Conditions

A.2—(1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

(b) where the development involves—

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit,

the mineral is not moved off the unit;

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

(2) Subject to sub-paragraph (3), development consisting of—

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

(d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place,

or to such condition as may have been agreed in writing between the local planning authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Class B – agricultural development on units of less than 5 hectares

Permitted development

B. ***The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—***

(a) ***the extension or alteration of an agricultural building;***

(b) ***the installation of additional or replacement plant or machinery;***

(c) ***the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;***

(d) ***the provision, rearrangement or replacement of a private way;***

(e) ***the provision of a hard surface;***

(f) ***the deposit of waste; or***

(g) ***the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,***

where the development is reasonably necessary for the purposes of agriculture within the unit.

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area;

(b) the external appearance of the premises would be materially affected;

(c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

(d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building;

(e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept; [F266]...

(f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit **[**[F267]; or

(g) the extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument**]**.

Textual Amendments

F266 Word in Sch. 2 Pt. 6 Pt. 6 Class B para. B.1 omitted (21.5.2024) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **8(2)(a)** (with art. 10)

F267 Sch. 2 Pt. 6 Class B para. B.1(f) and word inserted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **8(2)(b)** (with art. 10)

B.2 Development is not permitted by Class B(a) if—

(a) the height of any building would be increased;

(b) the cubic content of the original building would be increased by more than **[**[F268]25%**]**;

(c) any part of any new building would be more than 30 metres from the original building;

(d) it would consist of the extension or provision of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 (changes of use) of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class B(a) begins;

(e) the development would involve the extension, alteration or provision of a dwelling;

(f) any part of the development would be carried out within 5 metres of any boundary of the unit; or

(g) the ground area of any building extended by virtue of Class B(a) would exceed **[**[F269]1,250 square metres**]** .

Textual Amendments

F268 Word in Sch. 2 Pt. 6 Class B para. B.2(b) substituted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **8(3)(a)** (with art. 10)

F269 Words in Sch. 2 Pt. 6 Class B para. B.2(g) substituted (21.5.2024) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579), arts. 1(b), **8(3)(b)** (with art. 10)

B.3 Development is not permitted by Class B(b) if—

(a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

(b) the height of any additional plant or machinery not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

(c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or

(d) the area to be covered by the development would exceed **[**[F270]1,000 square metres**]** calculated as described in paragraph D.1(2)(a) of this Part.

Textual Amendments

F270 Words in Sch. 2 Pt. 6 Class B para. B.3(d) substituted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **13(a)(ii)**

B.4 Development is not permitted by Class B(e) if the area to be covered by the development would exceed **[**[F271]1,000 square metres**]** calculated as described in paragraph D.1(2)(a) of this Part.

Textual Amendments

F271 Words in Sch. 2 Pt. 6 Class B para. B.4 substituted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **13(a)(iii)**

Conditions

B.5—(1) Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, is not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

(2) Development consisting of the extension or alteration of a building situated on article 2(4) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—

(a) the condition that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building as extended or altered or the siting and means of construction of the private way; and

(b) the conditions set out in paragraphs A.2(2)(ii) to (vi) of this Part.

(3) Development is permitted by Class B(f) subject to the following conditions—

(a) that waste materials are not brought on to the land from elsewhere for deposit unless they are for use in works described in Class B(a), (d) or (e) and are incorporated forthwith into the building or works in question; and

(b) that the height of the surface of the land will not be materially increased by the deposit.

(4) Development is permitted by Class B(a) subject to the following conditions—

(a) where development consists of works for the significant extension or significant alteration of a building and—

(i) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(ii) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the extension, in the case of development consisting of an extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development

took place, or to such condition as may have been agreed in writing between the local planning authority and the developer;

(b) where an appeal has been made, under the Act, in relation to an application for development described in paragraph (a)(ii), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(5) Where development is permitted by Class B(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

Class C – mineral working for agricultural purposes

Permitted development

C. ***The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.***

Development not permitted

C.1 Development is not permitted by Class C if any excavation would be made within 25 metres of a metalled part of a trunk road or classified road.

Condition

C.2 Development is permitted by Class C subject to the condition that no mineral extracted during the course of the operation is moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

Interpretation of Classes A to C

D.1—(1) For the purposes of Classes A, B and C—

"agricultural land" means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden;

"agricultural unit" means agricultural land which is occupied as a unit for the purposes of agriculture, including—

(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or

(b) any dwelling on that land occupied by a farmworker;

"building" does not include anything resulting from engineering operations;

"fish farming" means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

"livestock" includes fish or shellfish which are farmed;

"protected building" means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

(a) a building within the agricultural unit; or

(b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

"significant extension" or "significant alteration" means any extension or alteration, as the case may be, of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building;

"site notice" means a notice containing—

(a) the name of the applicant,

(b) the address or location of the proposed development,

(c) a description of the proposed development and of the materials to be used,

(d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,

(e) the name and address of the local planning authority,

and which is signed and dated by or on behalf of the applicant;

"slurry" means animal faeces and urine (whether or not water has been added for handling); and

"tank" includes any cage and any other structure for use in fish farming.

(2) For the purposes of Classes A, B and C—

(a) an area "calculated as described in paragraph D.1(2)(a)" comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;

(b) a reference to 400 metres in paragraphs A.1(i) and (k), A.2(1)(a), B.1(d) and B.5(1) of this Part is a reference to distance measured along the ground.

(3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

(4) For the purposes of paragraph A.2(2)(c) of this Part, the relevant area is the area of the proposed excavation or the area on which it is proposed to deposit waste together with the aggregate of the areas of all other excavations within the unit which have not been filled and of all other parts of the unit on or under which waste has been deposited and has not been removed.

(5) For the purposes of Class B—

(a) the erection of any additional building within the curtilage of another building is to be treated as the extension of that building and the additional building is not to be treated as an original building;

(b) where 2 or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement in connection with the extension or alteration of either of them.

(6) In Class C, "the purposes of agriculture" includes fertilising land used for the purposes of agriculture and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.

(7) In Class A(a), "reasonably necessary for the purposes of agriculture" includes, in relation to the erection, extension or alteration of a building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

(8) In Class B(a), "reasonably necessary for the purposes of agriculture" includes, in relation to the extension or alteration of an agricultural building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

Class E – forestry developments

Permitted development

E. ***The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—***

(a) ***works for the erection, extension or alteration of a building;***

(b) ***the formation, alteration or maintenance of private ways;***

(c) ***operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;***

(d) ***other operations (not including engineering or mining operations).***

Development not permitted

E.1 Development is not permitted by Class E if—

(a) it would consist of or include the provision or alteration of a dwelling;

(b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;

(c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or

(d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

Conditions

E.2—(1) Subject to sub-paragraph (3), development consisting of the erection of a building or the extension or alteration of a building or the formation or alteration of a private way is permitted by Class E subject to the following conditions—

(a) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;

(b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;

(c) the development must not begin before the occurrence of one of the following—

(i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval;

(iii) the expiry of 28 days following the date on which the application under sub-paragraph (1)(b) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(i) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;

(ii) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (d)(i) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(e) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(i) where prior approval is required, in accordance with the details approved;

(ii) where prior approval is not required, in accordance with the details submitted with the application; and

(f) the development must be carried out—

(i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,

(ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).

(2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.

(3) Sub-paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

Interpretation of Class E

E.3—(1) For the purposes of Class E—

"significant extension" or "significant alteration" means any extension or alteration, as the case may be, of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building; and

"site notice" means a notice containing—

(a) the name of the applicant,

(b) the address or location of the proposed development,

(c) a description of the proposed development and of the materials to be used,

(d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,

(e) the name and address of the local planning authority,

and which is signed and dated by or on behalf of the applicant.

(2) For the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

PART 7

Non-domestic extensions, alterations etc

*Class A – extensions etc of **[**[F272]commercial, business or service premises**]***

Textual Amendments

F272 Words in Sch. 2 Pt. 7 Class A heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(2)(a)** (with Sch.)

Permitted development

A. ***The extension or alteration of a [**[F273]commercial, business or service**] establishment.***

Textual Amendments

F273 Words in Sch. 2 Pt. 7 Class A para. A substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(2)(b)** (with Sch.)

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the gross floor space of the original building would be exceeded by more than—

(i) in respect of an original building or a development on—

(aa) article 2(3) land, or

(bb) a site of special scientific interest,

25% or 50 square metres (whichever is the lesser);

(ii) in any other case, 50% or 100 square metres (whichever is the lesser);

(b) the height of the building as extended would exceed 4 metres;

(c) any part of the development (other than an alteration)—

(i) is on land which—

(aa) adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of **[**[F274]Schedule 1**]** to the Use Classes Order,

(bb) is article 2(3) land, or

(cc) is a site of special scientific interest, and

(ii) is within 2 metres of any boundary of the curtilage of the premises;

(d) the development would be within the curtilage of a listed building;

(e) any alteration would be on article 2(3) land;

(f) the development would consist of or include the construction or provision of a verandah, balcony or raised platform;

(g) any part of the development would extend beyond **[**[F275]the front of any existing building**]** ;

(h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or

(i) the development would involve the installation or replacement of a security grill or shutter on a shop front.

Textual Amendments

F274 Words in Sch. 2 Pt. 7 Class A para. A.1(c)(i)(aa) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(2)(c)(i)** (with Sch.)

F275 Words in Sch. 2 Pt. 7 Class A para. A.1(g) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(2)(c)(ii)** (with Sch.)

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) any alteration is at ground floor level only;

(b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and

(c) any extension or alteration is only to be used as part of, or for a purpose incidental to, the use of the **[**[F276]commercial, business or service**]** establishment.

Textual Amendments

F276 Words in Sch. 2 Pt. 7 Class A para. A.2(c) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(2)(d)** (with Sch.)

Interpretation of Class A

A.3 For the purposes of Class A—

[[F277]"raised platform" means a platform with a height greater than 0.3 metres,**]** and

[[F277]" commercial, business or service premises " means a building, or part of a building, used for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use

Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended;**]**

Textual Amendments

F277 Words in Sch. 2 Pt. 7 Class A para. A.3 substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(2)(e)** (with Sch.)

and where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

Class B – construction of shop trolley stores

Permitted development

B. ***The erection or construction of a trolley store within the curtilage of a shop.***

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the gross floor space of the building or enclosure erected would exceed 20 square metres;

(b) any part of the building or enclosure erected would be—

(i) within 20 metres of any boundary of the curtilage of; or

(ii) above or below,

any building used for any purpose within Part C (residential premises or institutions) of the Schedule to the Use Classes Order or as a hostel;

(c) the height of the building or enclosure would exceed 2.5 metres;

(d) the development would be within the curtilage of a listed building; or

(e) the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres.

Condition

B.2 Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

Interpretation of Class B

B.3 For the purposes of Class B—

"shop" means a building used for any purpose within **[**[F278]Class E(a) (display or retail sale of goods other than hot food) of Schedule 2**]** to the Use Classes Order; and

"trolley store" means a building or enclosure designed to be used for the storage of shopping trolleys.

Textual Amendments

F278 Words in Sch. 2 Pt. 7 Class B para. B.3 substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(3)(a)** (with Sch.)

Class C – click and collect facilities

Permitted development

C. ***Development consisting of the erection or construction of a collection facility within the curtilage of a shop.***

Development not permitted

C.1 Development is not permitted by Class C if—

(a) the development would result in more than 1 collection facility within the curtilage of a shop;

(b) the gross floor space of the building or structure would exceed 20 square metres;

(c) the height of the building or structure would exceed 4 metres;

(d) any part of the development would be within 2 metres of any boundary of the curtilage;

(e) any part of the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres; or

(f) any part of the development would be—

(i) on article 2(3) land;

(ii) in a site of special scientific interest; or

(iii) within the curtilage of a listed building or a scheduled monument.

Conditions

C.2—(1) Development is permitted by Class C subject to the condition that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the development and the following sub-paragraphs apply in relation to that application.

(2) The application must be accompanied by—

(a) a written description of the proposed development, which must include details of any building operations proposed;

(b) a plan indicating the site and showing the proposed development;

(c) the developer's contact address; and

(d) the developer's email address if the developer is content to receive communications electronically,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class C as being applicable to the development in question.

(4) Sub-paragraphs (5) and (7) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(6) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(7) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5);

(b) have regard to the National Planning Policy Framework issued by the **[**[F279]Ministry of Housing, Communities and Local Government in July 2021**]**[F280], so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(8) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(9) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (8)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(10) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

[[F281](11) When computing the number of days in sub-paragraph (5)(a), any day which is a public holiday must be disregarded.**]**

Textual Amendments

F279 Words in Sch. 2 Pt. 7 Class C para. C.2(7)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(2)**

F280 This is a reference to the National Planning Policy Framework, available online at https://www.gov.uk/government/publications/national-planning-policy-framework--2 and a copy of which may be inspected at the Planning Directorate, the Department for Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.

F281 Sch. 2 Pt. 7 para. C.2(11) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(4)**

Interpretation of Class C

C.3 For the purposes of Class C—

"collection facility" means a building or structure designed to be used by visiting members of the public for the collection of any goods and for the storage of goods awaiting such collection; and

"shop" means a building used for any purpose within **[**[F282]Class E(a) (display or retail sale of goods other than hot food) of Schedule 2**]** to the Use Classes Order.

Textual Amendments

F282 Words in Sch. 2 Pt. 7 Class C para. C.3 substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(3)(b)** (with Sch.)

Class D – modification of shop loading bays

Permitted development

D. ***Development consisting of modification of a loading bay of a shop.***

Development not permitted

D.1 Development is not permitted by Class D if—

(a) the size of the original loading bay, when measured in any dimension, would be increased by more than 20%; or

(b) any part of the development would be—

(i) on article 2(3) land;

(ii) in a site of special scientific interest; or

(iii) within the curtilage of a listed building or a scheduled monument.

Conditions

D.2 Development is permitted by Class D subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop.

Interpretation of Class D

D.3 For the purposes of Class D—

"goods vehicle" has the meaning given in section 192 of the Road Traffic Act 1988 [M52];

"loading bay" means any facility, including vehicle ramps, for the loading or unloading of goods vehicles; and

"shop" means a building used for any purpose within **[**[F283]Class E(a) (display or retail sale of goods other than hot food) of Schedule 2**]** to the Use Classes Order.

Textual Amendments

F283 Words in Sch. 2 Pt. 7 Class D para. D.3 substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(3)(c)** (with Sch.)

Marginal Citations

M52 1988 c.52.

*Class E – hard surfaces for **[**[F284]commercial, business or service etc premises**]***

Textual Amendments

F284 Words in Sch. 2 Pt. 7 Class E heading substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(4)(a)** (with Sch.)

Permitted development

E. ***Development consisting of—***

[[F285](a) the provision of a hard surface within the curtilage of a building used for a purpose falling within one of the following provisions of the Use Classes Order—

(i) article 3(6)(p) (drinking establishments etc);

(ii) article 3(6)(q) (drinking establishment with expanded food provision);

(iii) article 3(6)(r) (hot food takeaway); or

(iv) Class E (commercial, business and service) of Schedule 2; or**]**

(b) ***the replacement in whole or in part of such a surface.***

Textual Amendments

F285 Sch. 2 Pt. 7 Class E para. E(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(4)(b)** (with Sch.)

Development not permitted

E.1 Development is not permitted by Class E if—

(a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or

(b) the development would be within the curtilage of a listed building.

Conditions

E.2 Development is permitted by Class E subject to the following conditions—

(a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and

(b) in all other cases, either—

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking.

Interpretation of Class E

[F286]**E.3** . . . . . .

Textual Amendments

F286 Sch. 2 Pt. 7 Class E para. E.3 omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(4)(c)** (with Sch.)

Class F – extensions etc of office buildings

• [F287] . . . . . .

Textual Amendments

F287 Sch. 2 Pt. 7 Class F omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(5)** (with Sch.)

Class G – hard surfaces for office buildings

• [F288] . . . . . .

Textual Amendments

F288 Sch. 2 Pt. 7 Class G omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(6)** (with Sch.)

Class H – extensions etc of industrial and warehouse

Permitted development

H. ***The erection, extension or alteration of an industrial building or a warehouse.***

Development not permitted

H.1 Development is not permitted by Class H if—

(a) the gross floor space of any new building erected would exceed—

(i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;

(ii) in any other case, would exceed 200 square metres;

(b) the gross floor space of the original building would be exceeded by more than—

(i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);

(ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);

(iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

(c) the height of any part of the new building erected would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;

(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

(d) the height of the building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;

(ii) in all other cases, the height of the building being extended or altered;

(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

(g) the development would be within the curtilage of a listed building.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

(a) the development is within the curtilage of an existing industrial building or warehouse;

(b) any building as erected, extended or altered is only to be used—

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(c) no building as erected, extended or altered is used to provide employee facilities—

(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999 [M53];

(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Marginal Citations

M53 S.I. 1999/743. There are amendments not relevant to this Order.

Interpretation of Class H

H.3 For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

H.4 For the purposes of Class H—

"dangerous substance" has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999;

"employee facilities" means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees; and

"original building" does not include any building erected at any time under Class H.

Class I – developments relating to an industrial process

Permitted development

I. ***Development carried out on industrial land for the purposes of an industrial process consisting of—***

(a) ***the installation of additional or replacement plant or machinery;***

(b) ***the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or***

(c) ***>the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.***

Development not permitted

I.1 Development described in Class I(a) is not permitted if—

(a) it would materially affect the external appearance of the premises of the undertaking concerned; or

(b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class I

I.2 For the purposes of Class I, "industrial land" means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Class J – hard surfaces for industrial and warehouse premises

Permitted development

J. ***Development consisting of—***

(a) ***the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or***

(b) ***the replacement in whole or in part of such a surface.***

Development not permitted

J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed building.

Conditions

J.2 Development is permitted by Class J subject to the following conditions—

(a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and

(b) in all other cases, either—

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

Class K – waste deposits from an industrial process

Permitted development

K. ***The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.***

Development not permitted

K.1 Development is not permitted by Class K if—

(a) the waste material is or includes material resulting from the winning and working of minerals; or

(b) the use on 1st July 1948 was for the deposit of material resulting from the winning and working of minerals.

Class L – development at waste management facilities

Permitted development

L. ***Development carried out on land used for the purposes of a waste management facility consisting of—***

(a) ***the extension or alteration of a building; and***

(b) ***the installation of replacement plant or machinery.***

Development not permitted

L.1 Development described in Class L is not permitted if—

(a) the gross floor space occupied by the replacement plant or machinery would exceed by more than 15% the gross floor space of the plant or machinery it replaced;

(b) the development under Class L (together with any previous development under Class L) would result in the area occupied by buildings, plant or machinery on the site exceeding the original area occupied by buildings, plant or machinery by more than—

(i) 50%; or

(ii) 100 square metres,

whichever is the lesser;

(c) the height of any building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or

(ii) in all other cases, the height of the building being extended or altered or 15 metres, whichever is the lower;

(d) the height of any replacement plant or machinery would exceed—

(i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or

(ii) in all other cases, 15 metres;

(e) any part of the development would be within 5 metres of any boundary of the curtilage of the site;

(f) the development would lead to a reduction in the space available for the parking or turning of vehicles;

(g) the development would be—

(i) on article 2(3) land; or

(ii) in a site of special scientific interest;

(h) the building is a listed building or is within the curtilage of a listed building; or

(i) the site is, or contains, a scheduled monument.

Conditions

L.2 Development is permitted by Class L subject to the condition that any building as extended or altered is only used as part of, or for a purpose incidental to, the use of the site as a waste management facility.

Interpretation

L.3 For the purposes of Class L—

"waste management facility" means premises and associated land used for the purposes of any waste operation for which an environmental permit is required under Part 2 of **[**[F289]the Environmental Permitting (England and Wales) Regulations 2016**]** or which is an exempt facility under those Regulations; and

"waste operation" has the meaning given in **[**[F289]the Environmental Permitting (England and Wales) Regulations 2016**]**.

Textual Amendments

F289 Words in Sch. 2 Pt. 7 para. L.3 substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 Pt. 2 para. 86(a)** (with regs. 1(3), 77-79, Sch. 4)

*Class M – extensions etc for schools, colleges, universities **[**[F290], prisons**]** and hospitals*

Textual Amendments

F290 Word in Sch. 2 Pt. 7 Class M heading inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(2)** (with art. 15(3))

Permitted development

M. ***The erection, extension or alteration of a school, college, university [**[F291]**, prison] or hospital building.***

Textual Amendments

F291 Word in Sch. 2 Pt. 7 Class M para. M inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(3)** (with art. 15(3))

Development not permitted

M.1 Development is not permitted by Class M—

[[F292](a) if the cumulative footprint of any erection, extension or alteration under Class M on or after **[**[F293]the relevant date**]** would exceed the greater of—

(i) 25% of the cumulative footprint of the school, **[**[F294]college,**]** university, prison or hospital buildings as it was on **[**[F293]the relevant date**]**; or

(ii) 250 square metres;**]**

(b) **[**[F295]in the case of a college, university **[**[F296], prison**]** or hospital building,**]** if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

[[F297](ba) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;**]**

(c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

(d) if the height of any new building erected would **[**[F298]exceed—**]**

[[F298](i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or

(ii) in all other cases, 6 metres;**]**

[[F299](da) if the height of any rooftop structure would exceed 1.5 metres;**]**

(e) if the height of the building as extended or altered would exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, **[**[F300]the lesser of the height of the building being extended or altered or**]** 5 metres; or

(ii) in all other cases, the height of the building being extended or altered;

(f) if the development would be within the curtilage of a listed building; or

(g) unless—

(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;

(ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services **[**[F301];**]**

[[F301](iii) in the case of prison buildings—

(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners **[**[F302]; and**]**

[[F303](bb) in the case of a closed prison, the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on the relevant date.**]**

[F304](cc) . . . . . .**]**

Textual Amendments

F292 Sch. 2 Pt. 7 Class M para. M.1(a) substituted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(4)(a)** (with art. 15(3))

F293 Words in Sch. 2 Pt. 7 para. M.1(a) substituted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(2)(a)**

F294 Word in Sch. 2 Pt. 7 Class M para. M.1(a)(i) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(7)** (with Sch.)

F295 Words in Sch. 2 Pt. 7 Class M para. M.1(b) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **6(b)** (with art. 8)

F296 Word in Sch. 2 Pt. 7 Class M para. M.1(b) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(4)(b)** (with art. 15(3))

F297 Sch. 2 Pt. 7 Class M para. M.1(ba) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **6(c)** (with art. 8)

F298 Words in Sch. 2 Pt. 7 Class M para. M.1(d) substituted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(4)(c)** (with art. 15(3))

F299 Sch. 2 Pt. 7 Class M para. M.1(da) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(4)(d)** (with art. 15(3))

F300 Words in Sch. 2 Pt. 7 Class M para. M.1(e)(i) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(4)(e)** (with art. 15(3))

F301 Sch. 2 Pt. 7 Class M para. M.1(g)(iii) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(4)(f)** (with art. 15(3))

F302 Word in Sch. 2 Pt. 7 para. M.1(g)(iii)(aa) substituted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(2)(b)(i)**

F303 Sch. 2 Pt. 7 para. M.1(g)(iii)(bb) substituted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(2)(b)(ii)**

F304 Sch. 2 Pt. 7 para. M.1(g)(iii)(cc) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(2)(b)(iii)**

Conditions

M.2 Development is permitted by Class M subject to the following conditions—

(a) the development is within the curtilage of an existing school, college, university **[**[F305], prison**]** or hospital;

(b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university **[**[F305], prison**]** or hospital;

(c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university **[**[F305], prison**]** or hospital buildings; [F306]...

(d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered **[**[F307];**]**

[[F307](e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;

(f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) transport and highways impacts of the proposed development;

(ii) the design and external appearance of the erection, extension or alteration; or

(iii) the impact of the development on heritage and archaeology;

(g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);

(h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval **[**[F308]date;**]]**

[[F309](i) where proposed development under Class M relates to the erection, extension or alteration of an open prison building, before beginning development the developer must—

(i) assess the contamination and flood risks of the development;

(ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development;

(iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M); and

(iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j);

(j) the documents and information specified in sub-paragraph (i)(iv) are—

(i) a written description of the proposed development;

(ii) a plan indicating the site and showing the proposed development;

(iii) a drawing, prepared to an identified scale, showing—

(aa) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and

(bb) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;

(iv) the proposed commencement date;

(v) written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date;

(vi) the developer's contact address; and

(vii) the developer's email address if the developer is content to receive communications electronically.**]**

Textual Amendments

F305 Word in Sch. 2 Pt. 7 Class M para. M.2 inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(5)(a)** (with art. 15(3))

F306 Word in Sch. 2 Pt. 7 Class M para. M.2(c) omitted (21.4.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(5)(b)** (with art. 15(3))

F307 Sch. 2 Pt. 7 Class M para. M.2(e)-(h) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(5)(c)** (with art. 15(1)(a)(3))

F308 Word in Sch. 2 Pt. 7 para. M.2(h) substituted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(3)(a)**

F309 Sch. 2 Pt. 7 para. M.2(i)(j) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(3)(b)**

[[F310]Procedure for applications for prior approval under Class M

M.2A.—(1) The following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development;

(b) a plan indicating the site and showing the proposed development;

(c) drawings prepared to an identified scale and showing—

(i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and

(ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;

(d) a written statement in respect of the heritage and archaeological considerations of the development;

(e) the developer's contact address;

(f) the developer's email address if the developer is content to receive communications electronically; and

(g) any fee required to be paid.

(3) Sub-paragraphs (3) to (5) and (7) to (14) of paragraph W of Part 3 apply to an application under this paragraph as they apply to an application under Part 3 as if—

(a) in sub-paragraph (3)—

(i) the words from "except for" to "paragraph Q.2(1)(g)" were omitted;

(ii) for "this Part" there were substituted "Class M";

(b) sub-paragraph (10)(c) were omitted.**]**

Textual Amendments

F310 Sch. 2 Pt. 7 Class M para. M.2A inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(6)** (with art. 15(3))

[[F311]Procedure for prior consultation under Class M

M.2B.—(1) Where a developer is required to carry out prior consultation under paragraph M.2(i)(iii), the developer must consult the Environment Agency as to the flood risks of the proposed development.

(2) The developer must notify the Environment Agency specifying the date by which the Environment Agency must respond (being 21 days from the date the notice is received or such other period as may be agreed with the Environment Agency) ("the closing date").

(3) The development must not begin—

(a) before the occurrence of one of the following—

(i) the receipt by the developer of responses to the consultation required by this paragraph, or

(ii) the day after the closing date;

(b) in any event, before the developer takes into account any representations received on or before the closing date as a result of consultation under this paragraph.

(4) Where the developer receives representations on or before the closing date, as a result of consultation under this paragraph, the developer must as soon as reasonably practicable send to the local planning authority—

(a) a copy of the representations, and

(b) a statement explaining how the developer has taken the representations into account.**]**

Textual Amendments

F311 Sch. 2 Pt. 7 para. M.2B inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(4)**

Interpretation of Class M

M.3 For the purposes of Class M—

[[F312]"closed prison" means a prison used for the confinement of prisoners in closed conditions located on a site with a closed perimeter;**]**

[[F313]"footprint", in relation to a building, means the total area of ground covered by it;

[[F314]"open prison" means a prison used for the confinement of prisoners in open conditions located on a site without a closed perimeter;**]**

"original school, college, university, prison or hospital building" means original building which is a school, college, university, prison or hospital building, as the case may be, other than any building erected at any time under Class M;

"prior approval date" has the meaning given in paragraph X of Part 3;

"prison"—

(a) includes a young offender institution provided pursuant to section 43(1)(a) (places for the detention of young offenders etc) of the Prison Act 1952;

(b) does not include—

(i) a secure training centre or a secure college provided pursuant to, respectively, section 43(1)(b) or (c) of the Prison Act 1952;

(ii) premises approved pursuant to section 13(1) (approved premises) of the Offender Management Act 2007;

(iii) a bail hostel within the meaning of section 2(2) (other definitions) of the Bail Act 1976;

"published admission number" means the number of pupils of any relevant age group at the school determined by the admission authority under sections 88C and 88D of the School Standards Framework Act 1998;

[[F315]"relevant date" means 21st December 2023 in the case of the development of an open prison building and 21st April 2021 in the case of all other development;**]**

"rooftop structure" has the meaning given in paragraph D.3 of Part 9;**]**

"school" does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use) **[**[F316]or which was erected by virtue of Class CA of Part 4 of this Schedule (temporary buildings and uses)**][**[F317]; and

"travel plan" means a long-term management strategy that seeks to deliver sustainable transport objectives**]**

Textual Amendments

F312 Words in Sch. 2 Pt. 7 para. M.3 inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(5)(a)**

F313 Words in Sch. 2 Pt. 7 Class M para. M.3 substituted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(7)(a)** (with art. 15(3))

F314 Words in Sch. 2 Pt. 7 para. M.3 inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(5)(b)**

F315 Words in Sch. 2 Pt. 7 para. M.3 inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **3(5)(c)**

F316 Words in Sch. 2 Pt. 7 Class M para. M.3 inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **6(d)** (with art. 8)

F317 Words in Sch. 2 Pt. 7 Class M para. M.3 inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **9(7)(b)** (with art. 15(3))

where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.

[F318 Class MA – alteration etc. of prison fences

Textual Amendments

F318 Sch. 2 Pt. 7 Class MA inserted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **4**

Permitted development

MA. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in connection with a prison.

Development not permitted

MA.1 Development is not permitted by Class MA if the height of any gate, fence, wall or other means of enclosure would exceed 5.5 metres above ground level.

Interpretation

MA.2 For the purposes of Class MA "prison" has the same meaning as in Class M of this Part.**]**

Class N – hard surfaces for schools, colleges, universities or hospitals

Permitted development

N. ***Development consisting of—***

(a) ***the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or***

(b) ***the replacement in whole or in part of such a surface.***

Development not permitted

N.1 Development is not permitted by Class N if—

(a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres;

(b) as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used; or

(c) the development would be within the curtilage of a listed building.

Conditions

N.2 Development is permitted by Class N subject to the following conditions—

(a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and

(b) in all other cases, either—

(i) the hard surface is made of porous materials, or

(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.

Interpretation of Part 7

O. For the purposes of Part 7—

"industrial building" means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine;

"office building" means a building used for any purpose within **[**[F319]Class E(g)(i) of Schedule 2**]** to the Use Classes Order (offices);

"registered nursery" and "state-funded school" have the meanings given in paragraph X of Part 3 of this Schedule (changes of use);

"school"—

(a) includes a building permitted by Class C of Part 4 (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4;

(b) except in Class M (extensions etc for schools), includes premises which have changed use under Class S of Part 3 of this Schedule (changes of use) to become a state-funded school [F320]...; and

(c) includes premises which have changed use under Class T of Part 3 of this Schedule (changes of use) to become a state-funded school [F320]...; and

"warehouse" means a building used for any purpose within Class B8 (storage or distribution) of **[**[F321]Schedule 1**]** to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.

Textual Amendments

F319 Words in Sch. 2 Pt. 7 para. O substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(8)(a)** (with Sch.)

F320 Words in Sch. 2 Pt. 7 para. O omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(8)(b)** (with Sch.)

F321 Words in Sch. 2 Pt. 7 para. O substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **6(8)(c)** (with Sch.)

PART 8

Transport related development

Modifications etc. (not altering text)

C10 Sch. 2 Pt. 8 Class B applied (10.8.2016) by The York Potash Harbour Facilities Order 2016 (S.I. 2016/772), arts. 1, **9(4)** (with arts. 35, 36)

Class A – railway or light railway undertakings

Permitted development

A. ***Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.***

Development not permitted

A.1 Development is not permitted by Class A if it consists of or includes—

(a) the construction of a railway;

(b) the construction or erection of a hotel, railway station or bridge; or

(c) the construction or erection otherwise than wholly within a railway station of—

(i) an office, residential or educational building, or a building used for an industrial process, or

(ii) a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

Interpretation of Class A

A.2 For the purposes of Class A, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class B – dock, pier, harbour, water transport, canal or inland navigation undertakings

Permitted development

B. ***Development on operational land by statutory undertakers or their lessees [F322or agents of development (including the erection or alteration of an operational building)] in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—***

(a) ***for the purposes of shipping, F323...***

(b) ***in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking [F324, or***

(c) ***in connection with the provision of services and facilities]***

Textual Amendments

F322 Words in Sch. 2 Pt. 8 Class B para. B inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(2)(a)** (with art. 15(3))

F323 Word in Sch. 2 Pt. 8 Class B para. B(a) omitted (21.4.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(2)(b)** (with art. 15(3))

F324 Sch. 2 Pt. 8 Class B para. B(c) and word inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(2)(c)** (with art. 15(3))

Development not permitted

B.1 Development is not permitted by Class B if it consists of or includes—

(a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic; or

(b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—

(i) an educational building, F325...

(ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation **[**F326,

(c) where the development falls within paragraph B(c)—

(i) the erection of a building other than an operational building; or

(ii) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected**]**.

Textual Amendments

F325 Word in Sch. 2 Pt. 8 Class B para. B.1(b)(i) omitted (21.4.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(3)(a)** (with art. 15(3))

F326 Sch. 2 Pt. 8 Class B para. B.1(c) and word inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(3)(b)** (with art. 15(3))

[F327Condition

B.1A.—(1) Development is permitted by Class B subject to the condition that the relevant statutory undertaker consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph B.3.**]**

Textual Amendments

F327 Sch. 2 Pt. 8 Class B para. B.1A inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(4)** (with art. 15(1)(b)(3))

Interpretation of Class B

B.2 For the purposes of Class B—

(a) references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected, and

(b) the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc., of harbours) [M54], and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945 [M55].

Marginal Citations

M54 1964 c. 40; relevant amendments are made by Schedules 6 and 12 to the Transport Act 1981 (c. 56), **section 46** of the Criminal Justice Act 1982 (c. 48), **Schedule 3** to the Transport and Works Act 1992 (c. 42), **Schedule 2** to the Planning Act 2008 (c. 29), **Schedule 21** to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.

M55 1945 c. 18. An order is subject to special parliamentary procedure under the Act if it is one which the Secretary of State makes which authorises the compulsory purchase of land (see paragraph 22 of Schedule 3 to the Harbours Act 1964).

[F328B.3. Development falls within this paragraph if—

(a) it is urgently required for the efficient running of the dock, pier, harbour, water transport, canal or inland navigation undertaking, and

(b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.**]**

Textual Amendments

F328 Sch. 2 Pt. 8 Class B para. B. 3 inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(5)** (with art. 15(3))

Textual Amendments

F328 Sch. 2 Pt. 8 Class B para. B. 3 inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **10(5)** (with art. 15(3))

Marginal Citations

M54 1964 c. 40; relevant amendments are made by Schedules 6 and 12 to the Transport Act 1981 (c. 56), **section 46** of the Criminal Justice Act 1982 (c. 48), **Schedule 3** to the Transport and Works Act 1992 (c. 42), **Schedule 2** to the Planning Act 2008 (c. 29), **Schedule 21** to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.

M55 1945 c. 18. An order is subject to special parliamentary procedure under the Act if it is one which the Secretary of State makes which authorises the compulsory purchase of land (see paragraph 22 of Schedule 3 to the Harbours Act 1964).

Class C – works to inland waterways

Permitted development

C. ***The improvement, maintenance or repair of an inland waterway (other than a commercial waterway or cruising waterway) to which section 104 of the Transport Act 1968 (classification of waterways) [M56]applies, and the repair or maintenance of a culvert, weir, lock, aqueduct, sluice, reservoir, let-off valve or other work used in connection with the control and operation of such a waterway.***

Marginal Citations

M56 1968 c. 73, was amended by S.I. 2012/1659; there are other amendments not relevant to this Order.

Class D – dredging by transport undertakings

Permitted development

D. ***The use of any land by statutory undertakers in respect of dock, pier, harbour, water transport, canal or inland navigation undertakings for the spreading of any dredged material.***

Class E – development for the aid of shipping

Permitted development

E. ***Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1995 [M57] and any other statutory provision made with***

respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to the 1995 Act.

Marginal Citations

M57 1995 c. 21. See in particular section 193 as to the meaning of a general and a local lighthouse authority and Part 8 of the Act in general; relevant amendments are made by sections 19 and 20 of, and Schedule 6 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28), **sections 8** and 9 of the Marine Navigation Act 2013 (c. 23), **Schedule 8** to the Public Service Pensions Act 2013 (c. 25) and S.I. 2003/2867.

Development not permitted

E.1 Development is not permitted by Class E if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

Class F – development at an airport

Permitted development

F. ***The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.***

Development not permitted

F.1 Development is not permitted by Class F if it would consist of or include—

(a) the construction or extension of a runway;

(b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;

(c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 5th December 1988 or, if built after that date, of the building as built, would be exceeded by more than 15%;

(d) the erection of a building other than an operational building; or

(e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

F.2 Development is permitted by Class F subject to the condition that the relevant airport operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph F.4.

Interpretation of Class F

F.3 For the purposes of paragraph F.1, floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

F.4 Development falls within this paragraph if—

(a) it is urgently required for the efficient running of the airport, and

(b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

Class G – air traffic services development at an airport

Permitted development

G. ***The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with the provision of air traffic services.***

Class H – air traffic services development near an airport

Permitted development

H. ***The carrying out on operational land outside but within 8 kilometres of the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with the provision of air traffic services.***

Development not permitted

H.1 Development is not permitted by Class H if—

(a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;

(b) any building erected would exceed a height of 4 metres; or

(c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

Class I – development by an air traffic services licence holder within an airport

Permitted development

I. ***The carrying out by an air traffic services licence holder or its agents within the perimeter of an airport of development in connection with the provision of air traffic services.***

Class J – development by an air traffic services licence holder on operational land

Permitted development

J. ***The carrying out on operational land of an air traffic services licence holder by that licence holder or its agents of development in connection with the provision of air traffic services.***

Development not permitted

J.1 Development is not permitted by Class J if—

(a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;

(b) any building erected would exceed a height of 4 metres; or

(c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

Class K – development by an air traffic services licence holder in an emergency

Permitted development

K. ***The use of land by or on behalf of an air traffic services licence holder in an emergency to station moveable apparatus replacing unserviceable apparatus.***

Condition

K.1 Development is permitted by Class K subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Class L – development by an air traffic services licence holder involving moveable structures

Permitted development

L. ***The use of land by or on behalf of an air traffic services licence holder to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.***

Condition

L.1 Development is permitted by Class L subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, and any structure is removed, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Class M – development by the Civil Aviation Authority for surveys etc.

Permitted development

M. ***The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.***

Condition

M.1 Development is permitted by Class M subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Class N – use of airport buildings managed by relevant airport operators

Permitted development

N. ***The use of buildings within the perimeter of an airport managed by a relevant airport operator for purposes connected with air transport services or other flying activities at that airport.***

Interpretation of Part 8

O. For the purposes of Part 8—

"air traffic services" has the same meaning as in section 98 of the Transport Act 2000 (air traffic services) [M58];

"air traffic services licence holder" means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 [M59];

"air transport services" has the same meaning as in section 82 of the Airports Act 1986 [M60];

"operational building" means **[**[F329], for the purposes of Class F,**]** a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport;

"relevant airport" means an airport to which Part 5 of the Airports Act 1986 (status of certain airport operators as statutory undertakers etc.) [M61] applies;

"relevant airport operator" means a relevant airport operator within the meaning of section 57A of the Airports Act 1986 (scope of Part 5); and

"transport legislation" means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards' powers) [M62] or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive) [M63].

Textual Amendments

F329 Words in Sch. 2 Pt. 8 para. O inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **7** (with Sch.)

Marginal Citations

M58 2000 c. 38.

M59 See in particular sections 5 to 7 and 40 (section 5 was amended by S.I. 2009/1941 and 2011/205).

M60 1986 c. 31.

M61 1986 c. 31. See section 57A(2); section 57A was substituted for section 57 by Schedule 8 to the Civil Aviation Act 2012 (c. 19). There are other amendments to Part 5 but none are relevant to this Order.

M62 1962 c. 46.

M63 1968 c. 73, relevant amendments are made by Schedule 3 to the Transport Act 1985 (c. 67), **Schedule 4** to the Local Transport Act 2008 (c. 26) and S.I. 2014/866.

PART 9

Development relating to roads

Class A – development by highways authorities

Permitted development

A. ***The carrying out by a highway authority—***

(a) ***on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b) [M64] of the Act; or***

(b) ***on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.***

Marginal Citations

M64 Section 55(2)(b) was amended by Schedule 9 to the Planning and Compulsory Purchase Act 2004 (c. 5) and S.I. 1999/293.

Class B – development by the Secretary of State or a strategic highways company under the Highways Act 1980

Modifications etc. (not altering text)

C11 Sch. 2 Pt. 9 Class B restricted (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **6(3)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)

Permitted development

B. ***The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the Highways Act 1980 [M65], or works in connection with, or incidental to, the exercise of those functions.***

Marginal Citations

M65 1980 c. 66. Relevant amendments are made by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

Interpretation of Class B

B.1 For the purposes of Class B, "strategic highways company" means a company for the time being appointed under Part 1 of the Infrastructure Act 2015 [M66].

Marginal Citations

M66 2015 c. 7.

Class C – tramway or road transport undertakings

Permitted development

C. ***Development [F330by transport undertakers] required for the purposes of the carrying on of any tramway or road transport undertaking consisting of—***

(a) ***the installation of posts, overhead wires, underground cables, feeder pillars or transformer boxes in, on, over or adjacent to a highway for the purpose of supplying current to public service vehicles;***

(b) ***the installation of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;***

(c) ***the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles;***

(d) ***the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles;***

(e) ***any other development on operational land of the undertaking.***

Textual Amendments

F330 Words in Sch. 2 Pt. 9 Class C para. C inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **14**

Development not permitted

C.1 Development is not permitted by Class C if it would consist of—

(a) in the case of any Class C(a) development, the installation of a structure exceeding 17 cubic metres in capacity;

(b) in the case of any Class C(e) development—

(i) the erection of a building or the reconstruction or alteration of a building where its design or external appearance would be materially affected;

(ii) the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any plant or machinery it replaces, whichever is the greater; or

(iii) development, not wholly within a bus or tramway station, in pursuance of powers contained in transport legislation.

Interpretation of Class C

C.2 For the purposes of Class C, "transport legislation" means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards' powers) [M67] or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive) [M68].

Marginal Citations

M67 1962 c. 46.

M68 1968 c. 73, relevant amendments are made by Schedule 3 to the Transport Act 1985 (c. 67), **Schedule 4** to the Local Transport Act 2008 (c. 26) and S.I. 2014/866.

Class D – toll road facilities

Permitted development

D. ***Development consisting of—***

(a) ***the setting up and the maintenance, improvement or other alteration of facilities for the collection of tolls;***

(b) ***the provision of a hard surface to be used for the parking of vehicles in connection with the use of such facilities.***

Development not permitted

D.1 Development is not permitted by Class D if—

(a) it is not located within 100 metres (measured along the ground) of the boundary of a toll road;

(b) the height of any building or structure would exceed—

(i) 7.5 metres excluding any rooftop structure; or

(ii) 10 metres including any rooftop structure; or

(c) the aggregate area of the floor space at or above ground level of any building or group of buildings within a toll collection area, excluding the floor space of any toll collection booth, would exceed 1,500 square metres.

Conditions

D.2 In the case of any article 2(3) land, development is permitted by Class D subject to the following conditions—

(a) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the facilities for the collection of tolls;

(b) the application must be accompanied by a written description, together with plans and elevations, of the proposed development and any fee required to be paid;

(c) the development must not begin before the occurrence of one of the following—

(i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(d) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(i) where prior approval is required, in accordance with the details approved;

(ii) where prior approval is not required, or where paragraph (c)(iii) applies, in accordance with the details submitted with the application; and

(e) the development must be carried out—

(i) where approval has been given by the local planning authority, within a period of 5 years from the date on which the approval was given;

(ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).

Interpretation of Class D

D.3 For the purposes of Class D—

"facilities for the collection of tolls" means such buildings, structures, or other facilities as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order;

"ground level" means the level of the surface of the ground immediately adjacent to the building or group of buildings in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it;

"rooftop structure" means any apparatus or structure which is reasonably required to be located on and attached to the roof, being an apparatus or structure which is—

(a) so located for the provision of heating, ventilation, air conditioning, water, gas or electricity;

(b) lift machinery; or

(c) reasonably required for safety purposes;

"toll" means a toll which may be charged pursuant to a toll order;

"toll collection area" means an area of land where tolls are collected in pursuance of a toll order, and includes any facilities for the collection of tolls;

"toll collection booth" means any building or structure designed or adapted for the purpose of collecting tolls in pursuance of a toll order;

"toll order" has the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales) [M69]; and

"toll road" means a road which is the subject of a toll order.

Marginal Citations

M69 1991 c. 22; which was amended by Schedule 2 to the Planning Act 2008 (c. 29).

Class E – repairs to unadopted streets and private ways

Permitted development

E. ***The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.***

Interpretation of Class E

E.1 For the purposes of Class E, "unadopted street" means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980 [M70].

Marginal Citations

M70 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.

PART 10

Repairs to services

Class A

Permitted development

A. ***The carrying out of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose.***

PART 11

Heritage and demolition

Class A – development by Historic England

Permitted development

A. ***Development by or on behalf of Historic England [M71], consisting of—***

(a) ***the maintenance, repair or restoration of any building or monument;***

(b) ***the erection of screens, fences or covers designed or intended to protect or safeguard any building or monument; or***

(c) ***the carrying out of works to stabilise ground conditions by any cliff, watercourse or the coastline;***

Marginal Citations

M71 Historic England is the name used by the Historic Buildings and Monuments Commission for England (a body established under section 32 of the National Heritage Act 1983 (c. 47)).

where such works are required for the purposes of securing the preservation of any building or monument.

Development not permitted

A.1 Development is not permitted by Class A(a) if the works involve the extension of the building or monument.

Condition

A.2 Except for development also falling within Class A(a), Class A(b) development is permitted subject to the condition that any structure erected in accordance with that permission is removed at the expiry of a period of 6 months (or such longer period as the local planning authority may agree in writing) from the date on which work to erect the structure was begun.

Interpretation of Class A

A.3 For the purposes of Class A, "building or monument" means any building or monument in the guardianship of Historic England or owned, controlled or managed by it.

Class B – demolition of buildings

Permitted development

B. ***Any building operation consisting of the demolition of a building.***

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;

(b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area) [M72];[F331]...

[[F332](c) the building is used, or was last used, for a purpose falling within—

(i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or

(ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;**]**

[[F333](d) the building is used, or was last used, for the purpose of—

(i) a concert hall;

(ii) a venue for live music performance; or

(iii) a theatre**][**[F334]; or**]**

[[F334](e) the demolition relates to a statue, memorial or monument ("a commemorative structure") in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—

(i) that is a listed building;

(ii) that is a scheduled monument;

(iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;

(iv) within the grounds of a museum or art gallery; or

(v) within the curtilage of a dwellinghouse**]**

Textual Amendments

F331 Word in Sch. 2 Pt. 11 Class B para. B.1 omitted (3.12.2020) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(2), **6(a)** (with reg. 12(3)(4))

F332 Sch. 2 Pt. 11 Class B1 para. B.1(c) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **8** (with Sch.)

F333 Sch. 2 Pt. 11 Class B para. B.1(d) and word inserted (3.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(2), **6(b)** (with reg. 12(3)(4))

F334 Sch. 2 Pt. 11 Class B para. B.1(e) and word inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **11(2)(b)** (with art. 15(3))

Marginal Citations

M72 Section 196D was inserted by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

(b) where the demolition does not fall within paragraph (a) and is not excluded demolition—

[[F335](i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;**]**

(ii) an application described in **[**[F336]paragraph (b)(i)**]** must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;

[F337](iii) . . . . . .

(iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;

(v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

[F338](vi) . . . . . .

(vii) [F339]... the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application;

(ix) [F340]... the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

[F341](x) . . . . . .

Textual Amendments

F335 Sch. 2 Pt. 11 Class B para. B.2(b)(i) substituted (23.5.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(b)** (with art. 5)

F336 Words in Sch. 2 Pt. 11 Class B para. B.2(b)(ii) substituted (23.5.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(c)** (with art. 5)

F337 Sch. 2 Pt. 11 Class B para. B.2(b)(iii) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(d)** (with art. 5)

F338 Sch. 2 Pt. 11 Class B para. B.2(b)(vi) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(e)** (with art. 5)

F339 Words in Sch. 2 Pt. 11 Class B para. B.2(b)(vii) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(f)** (with art. 5)

F340 Words in Sch. 2 Pt. 11 Class B para. B.2(b)(ix) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(g)** (with art. 5)

F341 Sch. 2 Pt. 11 Class B para. B.2(b)(x) omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(h)** (with art. 5)

Interpretation of Class B

B.3 For the purposes of Class B—

[F342]...

[[F343]"cemetery" has the meaning given by section 214(8) of the Local Government Act 1972;

"dwellinghouse" does not include educational accommodation;**]**

"excluded demolition" means demolition—

(a) on land which is the subject of a planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part 3 of the Act (control over development),

(b) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument consent) [M73],

(c) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent) [M74],

(d) required or permitted to be carried out by or under any other enactment, or

(e) required to be carried out by virtue of a relevant obligation;

[F342]…

[F342]…

[F342]…

"relevant obligation" means—

(a) an obligation arising under an agreement made under section 106 of the Act, as originally enacted (agreements regulating development or use of land);

(b) a planning obligation entered into under section 106 of the Act, as substituted by section 12 of the Planning and Compensation Act 1991 (planning obligations) [M75], or under section 299A of the Act (Crown planning obligations) [M76];

(c) an obligation arising under, or under an agreement made under, any provision corresponding to section 106 of the Act, as originally enacted or as substituted by the Planning and Compensation Act 1991, or to section 299A of the Act;

"site notice" means a notice containing—

(a) the name of the applicant,

(b) a description, including the address, of the building or buildings which it is proposed to be demolished,

(c) a statement that the applicant has applied to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site,

(d) the date on which the applicant proposes to carry out the demolition, and

(e) the name and address of the local planning authority,

and which is signed and dated by or on behalf of the applicant;

[F342]…

[F342]…

Textual Amendments

F342 Words in Sch. 2 Pt. 11 Class B para. B.3 omitted (23.5.2017) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017 (S.I. 2017/619), arts. 1, **4(i)** (with art. 5)

F343 Words in Sch. 2 Pt. 11 Class B para. B.3 inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **11(3)** (with art. 15(3))

Marginal Citations

M73 1979 c. 46; see in particular sections 2 to 4, relevant amendments to which are made by section 33 of, and Schedule 4 to, the National Heritage Act 1983 (c. 47) and Schedule 2 to the Planning Act 2008 (c. 29).

M74 1990 c. 9; see in particular sections 7, 8 and 18, relevant amendments to which are made by section 51 of the Planning and Compulsory Purchase Act 2004 (c. 5) and Schedule 2 to the Planning Act 2008, S.I. 2001/24. Those sections are modified in relation to buildings in conservation areas by S.I. 1990/1519.

M75 1991 c. 34. Section 106 of the Act was amended by section 33 of the Greater London Authority Act 2007 (c. 24), **section 174** of the Planning Act 2008 and Schedule 2 to the Growth and Infrastructure Act 2013 (c. 27).

M76 Section 299A was repealed by Schedule 9 to the Planning and Compulsory Purchase Act 2004 (c.5).

Class C – demolition of gates, fences, walls etc

Permitted development

C. ***Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.***

Development not permitted

C.1 Development is not permitted by Class C if the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area) [M77].

Marginal Citations

M77 Section 196D was inserted by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

PART 12

Development by local authorities

Class A

Permitted development

A. ***The erection or construction and the maintenance, improvement or other alteration by [[F344]or on behalf of] a local authority or by [[F344]or on behalf of] an urban development corporation of—***

(a) ***any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;***

(b) ***lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or***

baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.

Textual Amendments

F344 Words in Sch. 2 Pt. 12 Class A para. A inserted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **5(2)**

Interpretation of Class A

A.1 For the purposes of Class A, "urban development corporation" has the same meaning as in Part 16 of the Local Government, Planning and Land Act 1980 (urban development) [M78].

Marginal Citations

M78 1980 c. 65; see **sections 135** and 171. Section 135 was amended by section 179 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28). There are no amendments to section 171 relevant to this Order.

A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

Class B

Permitted development

B. ***The deposit by a local authority of waste material on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.***

Development not permitted

B.1 Development is not permitted by Class B if the waste material is or includes material resulting from the winning and working of minerals.

[F345 Class BA - holding of a market by or on behalf of a local authority

Textual Amendments

F345 Sch. 2 Pt. 12 Class BA inserted (25.6.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(3), **21**

Permitted development

BA. ***The use of any land for the purposes of holding a market by or on behalf of a local authority and the provision on the land of any moveable structure for the permitted use [F346]....***

Textual Amendments

F346 Words in Sch. 2 Pt. 12 Class BA para. BA omitted (11.1.2022) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **6(2)**

Development not permitted

BA.1 Development is not permitted by Class BA **[**[F347]if the land—

(a) is, or is within, a site of special scientific interest; or

(b) is, or contains, a scheduled monument.**]]**

Textual Amendments

F347 Words in Sch. 2 Pt. 12 Class BA para. BA.1 substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **6(3)**

Interpretation of Part 12

C. For the purposes of Part 12, "local authority" includes a parish council **[**[F348], a National Park authority and the Broads Authority**]**.

Textual Amendments

F348 Words in Sch. 2 Pt. 12 para. C inserted (26.7.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 (S.I. 2023/747), arts. 1(1), **5(3)**

[[F349]PART 12A

Development by Local Authorities and Health Service Bodies

Textual Amendments

F349 Sch. 2 Pt. 12A inserted (9.4.2020 at 10:00 a.m.) by The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 (S.I. 2020/412), arts. 1, **3**

Class A - Emergency development by a local authority or health service body

Permitted development

A. ***Development by or on behalf of a local authority or health service body on land owned, leased, occupied or maintained by it for the purposes of—***

(a) ***preventing an emergency;***

(b) ***reducing, controlling or mitigating the effects of an emergency; or***

(c) ***taking other action in connection with an emergency.***

Development not permitted

A.1. Development is not permitted by Class A if—

(a) any part of the development is on land which is, or forms part of—

(ii) a military explosive storage area;

(iii) a site of special scientific interest;

(b) the land or building is, or contains, a scheduled monument;

(c) any part of the development would be carried out within 5 metres of any boundary of the curtilage of a dwellinghouse;

(d) the height of any new building exceeds—

(i) a height of 6 metres above ground where any part of the new building is within 10 metres of any boundary of the land; or

(ii) the height of the highest part of the roof of the original building, or a height of 18 metres above the ground, whichever is the greater;

(e) the height of any building enlarged, improved or altered exceeds—

(i) the height of the highest part of the roof of the original building, or a height of 6 metres above the ground, whichever is the greater, where any part of the enlarged, improved or altered building is within 10 metres of any boundary of the curtilage of the original building; or

(ii) the height of the highest part of the roof of the original building, or a height of 18 metres above the ground, whichever is the greater; or

(f) any moveable structure, works, plant or machinery required temporarily and in connection with and for the duration of the development would be located in a position—

(i) within 10 metres of any boundary of the curtilage of a dwellinghouse, or

(ii) within 5 metres of any boundary of the land.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

(a) if the developer is not the local planning authority, the developer must, as soon as practicable after commencing development, notify the local planning authority of the development;

(b) any use of the land for the purposes of Class A ceases on or before **[**[F350]31st December 2022**]**; and

(c) on or before the expiry of a period of 12 months beginning with the date on which the use of the land ceases for the purpose of Class A—

(i) any building, works, plant, machinery, structure and erection permitted by Class A is removed; and

(ii) the land is restored to its condition before the development took place, or, if the developer is not also the local planning authority, to such other state as may be agreed in writing between the local planning authority and the developer.

Textual Amendments

F350 Words in Sch. 2 Pt. 12A para. A.2(b) substituted (1.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(a), **7**

Interpretation of Class A

A.3. —

(1) For the purposes of Class A—

"emergency" means an event or situation which threatens serious damage to human welfare in a place in the United Kingdom;

"health service body" means—

(a) the National Health Service Commissioning Board;

(b) the Care Quality Commission;

(c) **[**[F351]an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006**]**;

(d) [F352]...

(e) the Health Research Authority;

(f) [F353]...

(g) the Human Fertilisation and Embryology Authority;

(h) the Human Tissue Authority;

(i) Monitor;

(j) the National Institute for Health and Care Excellence;

(k) a Special Health Authority established under section 28 of that Act;

(l) an NHS trust in England as defined in section 25 of that Act;

(m) an NHS foundation trust in England, as referred to in section 30(1) of that Act;

(n) a company formed under section 223 of that Act and wholly owned by the Secretary of State.

(2) For the purposes of paragraph (1), an event or situation threatens serious damage to human welfare only if it involves, causes or may cause—

(a) loss of human life;

(b) human illness or injury;

(c) homelessness;

(d) damage to property;

(e) disruption of a supply of money, food, water, energy, or fuel;

(f) disruption of a system of communication;

(g) disruption of facilities for transport; or

(h) disruption of services relating to health.

(3) For the purposes of Class A, where 2 or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement.**]**

Textual Amendments

F351 Words in Order substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), reg. 1(2), Sch. para. 1(1)**(3)** (with Sch. para. 1(2))

F352 Words in Sch. 2 Pt. 12A para. A.3(1) omitted (1.4.2023) by virtue of The Health Education England (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/368), reg. 1(2), **Sch. 2 para. 19** (with reg. 7)

F353 Words in Sch. 2 Pt. 12A para. A.3(1) omitted (1.2.2023) by virtue of The Health and Social Care Information Centre (Transfer of Functions, Abolition and Transitional Provisions) Regulations 2023 (S.I. 2023/98), reg. 1(2), **Sch. para. 50** (with reg. 3)

PART 13

Water and sewerage

Class A – Water or hydraulic power undertakings

Permitted development

A. ***Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—***

(a) ***development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;***

(b) ***development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;***

(c) ***the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;***

(d) ***the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;***

(e) ***the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;***

(f) ***any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)[M79];***

(g) ***any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.***

Marginal Citations

M79 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) in the case of any Class A(a) development, it would include the construction of a reservoir;

(b) in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

(c) in the case of any Class A(g) development, it would consist of or include the extension or alteration of a building so that—

(i) its design or external appearance would be materially affected;

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(d) in the case of any Class A(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

Condition

A.2 Development is permitted by Class A(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

Class B – development by or on behalf of sewerage undertakers

Permitted development

B. ***Development by or on behalf of a sewerage undertaker consisting of—***

(a) ***development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;***

(b) ***the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;***

(c) ***the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;***

(d) ***the installation in a sewerage system of a pumping station, valve house, control panel house or switch-gear house;***

(e) ***any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)[M80];***

(f) ***any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.***

Marginal Citations

M80 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

Development not permitted

B.1 Development is not permitted by Class B if—

(a) in the case of any Class B(d) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;

(b) in the case of Class B(f) development, it would consist of or include the extension or alteration of a building so that—

(i) its design or external appearance would be materially affected;

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded, by more than 25%; or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(c) in the case of Class B(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

Condition

B.2 Development is permitted by Class B(b) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

Interpretation of Class B

B.3 For the purposes of Class B—

"associated apparatus", in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe; and

"sludge main" means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.

Class C – development by drainage bodies

Permitted development

C. ***Development by a drainage body in, on or under any watercourse or land drainage works required in connection with the improvement, maintenance or repair of that watercourse or those works.***

Interpretation of Class C

C.1 For the purposes of Class C, "drainage body" has the same meaning as in section 72(1) of the Land Drainage Act 1991 (interpretation) [M81] other than the Environment Agency.

Marginal Citations

M81 1991 c. 59; which was amended by Schedule 22 to the Environment Act 1995 (c. 25). There is another amendment not relevant to this Order.

Class D – development by the Environment Agency[M82]

Marginal Citations

M82 A body established under section 1 of the Environment Act 1995 (c. 25).

Permitted development

D. ***Development by the Environment Agency for the purposes of its functions, consisting of—***

(a) ***development not above ground level required in connection with conserving, redistributing or augmenting water resources;***

(b) ***development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works;***

(c) ***the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;***

(d) ***the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;***

(e) ***any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)***[M83]***;***

(f) ***any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.***

Marginal Citations

M83 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

Development not permitted

D.1 Development is not permitted by Class D if—

(a) in the case of any Class D(a) development, it would include the construction of a reservoir;

(b) in the case of any Class D(f) development, it would consist of or include the extension or alteration of a building so that—

(i) its design or external appearance would be materially affected,

(ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or

(c) in the case of any Class D(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

Condition

D.2 Development is permitted by Class D(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

PART 14

Renewable energy

Class A – installation or alteration etc of solar equipment on domestic premises

Permitted development

A. ***The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—***

(a) ***a dwellinghouse or a block of flats; or***

(b) ***a building situated within the curtilage of a dwellinghouse or a block of flats.***

Development not permitted

A.1 Development is not permitted by Class A if—

(a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or **[**[F354], in the case of a pitched roof,**]** the roof slope when measured from the perpendicular with the external surface of the wall or **[**[F355]pitched**]** roof slope;

(b) **[**[F356]in the case of solar PV or solar thermal equipment on a pitched roof,**]** it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);

[[F357](ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);**]**

(c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;

(d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

Textual Amendments

F354 Words in Sch. 2 Pt. 14 para. A.1(a) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **4(2)(a)(i)**

F355 Word in Sch. 2 Pt. 14 para. A.1(a) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **4(2)(a)(ii)**

F356 Words in Sch. 2 Pt. 14 para. A.1(b) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **4(2)(b)**

F357 Sch. 2 Pt. 14 para. A.1(ba) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **4(2)(c)**

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

(b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; [F358]...

[[F359](ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;

(bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if "Class A" substitutes the reference to "Class J" in paragraph J.4(4); and**]**

(c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

Textual Amendments

F358 Word in Sch. 2 Pt. 14 para. A.2(b) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **4(3)(a)**

F359 Sch. 2 Pt. 14 paras. A.2(ba)(bb) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **4(3)(b)**

Class B - installation or alteration etc of stand-alone solar equipment on domestic premises

Permitted development

B. ***The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a dwellinghouse or a block of flats.***

Development not permitted

B.1 Development is not permitted by Class B if—

(a) in the case of the installation of stand-alone solar, the development would result in the presence within the curtilage of more than 1 stand-alone solar;

(b) any part of the stand-alone solar—

(i) would exceed 4 metres in height **[**[F360]or, in the case of stand-alone solar on land in a conservation area which would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway, 2 metres in height**]**;

(ii) would, in the case of land [F361]... which is a World Heritage Site, be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway;

(iii) would be installed within 5 metres of the boundary of the curtilage;

(iv) would be installed within the curtilage of a listed building; or

(v) would be installed on a site designated as a scheduled monument; or

(c) the surface area of the solar panels forming part of the stand-alone solar would exceed 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

Textual Amendments

F360 Words in Sch. 2 Pt. 14 para. B.1(b)(i) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **5(2)(a)**

F361 Words in Sch. 2 Pt. 14 para. B.1(b)(ii) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **5(2)(b)**

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) stand-alone solar is, so far as practicable, sited so as to minimise its effect on the amenity of the area; [F362]...

[[F363](aa) in the case of stand-alone solar installed in a conservation area nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the stand-alone solar on the character of the conservation area;

(ab) in relation to an application under sub-paragraph (aa), paragraphs J.4(3) to J.4(12) of this Part apply as if "Class B" substitutes the reference to "Class J" in paragraph J.4(4); and**]**

(b) stand-alone solar is removed as soon as reasonably practicable when no longer needed.

Textual Amendments

F362 Word in Sch. 2 Pt. 14 para. B.2(a) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **5(3)(a)**

F363 Sch. 2 Pt. 14 paras. B.2(aa)(ab) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **5(3)(b)**

Class C – installation or alteration etc of ground source heat pumps on domestic premises

Permitted development

C. ***The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or a block of flats.***

Class D – installation or alteration etc of water source heat pumps on domestic premises

Permitted development

D. ***The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats.***

Class E – installation or alteration etc of flue for biomass heating system on domestic premises

Permitted development

E. ***The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats.***

Development not permitted

E.1 Development is not permitted by Class E if—

(a) the height of the flue would exceed the highest part of the roof by 1 metre or more; or

(b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

Class F – installation or alteration etc of flue for combined heat and power on domestic premises

Permitted development

F. ***The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.***

Development not permitted

F.1 Development is not permitted by Class F if—

(a) the height of the flue would exceed the highest part of the roof by 1 metre or more; or

(b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

Class G – installation or alteration etc of air source heat pumps on domestic premises

Permitted Development

G. ***The installation, alteration or replacement of a microgeneration air source heat pump—***

(a) ***on a dwellinghouse or a block of flats; or***

(b) ***within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage.***

Development not permitted

G.1 Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards [F364]....

Textual Amendments

F364 Words in Sch. 2 Pt. 14 Class G para. G.1 omitted (29.5.2025) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **5(2)** (with art. 7)

G.2 Development is not permitted by Class G if—

(a) in the case of the installation of an air source heat pump, the development would result in the presence of **[**[F365]—

(i) more than one air source heat pump on, or within the curtilage of—

(aa) a dwellinghouse which is not a detached dwellinghouse;

(bb) a block of flats;

(ii) more than two air source heat pumps on, or within the curtilage of, a detached dwellinghouse;**]**

(b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats;

(c) in the case of the installation of an air source heat pump, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or block of flats;

(d) the volume of the air source heat pump's outdoor compressor unit (including any housing) would **[**[F366]—

(i) in the case of the installation of an air source heat pump on, or within the curtilage of, a dwellinghouse, exceed 1.5 cubic metres;

(ii) in the case of the installation of an air source heat pump on, or within the curtilage of, a block of flats, exceed 0.6 cubic metres;**]**

[F367](e) . . . . . .

(f) the air source heat pump would be installed on a pitched roof;

(g) the air source heat pump would be installed on a flat roof where it would be within 1 metre of the external edge of that roof;

(h) the air source heat pump would be installed on a site designated as a scheduled monument;

(i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building;

(j) in the case of land within a conservation area or which is a World Heritage Site the air source heat pump—

(i) would be installed on a wall or a roof which fronts a highway; or

(ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or

(k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if—

(i) that wall fronts a highway; and

(ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.

Textual Amendments

F365 Words in Sch. 2 Pt. 14 Class G para. G.2(a) substituted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **5(3)(a)**

F366 Words in Sch. 2 Pt. 14 Class G para. G.2(d) substituted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **5(3)(b)**

F367 Sch. 2 Pt. 14 Class G para. G.2(e) omitted (29.5.2025) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **5(3)(c)**

Conditions

G.3 Development is permitted by Class G subject to the following conditions—

[F368](a) . . . . . .

[[F369](aa) the air source heat pump is not solely used for the purpose of cooling;**]**

(b) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

(c) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

(d) the air source heat pump is removed as soon as reasonably practicable when no longer needed.

Textual Amendments

F368 Sch. 2 Pt. 14 Class G para. G.3(a) omitted (29.5.2025) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **5(4)(a)**

F369 Sch. 2 Pt. 14 Class G para. G.3(aa) inserted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **5(4)(b)**

Class H – installation or alteration etc of wind turbine on domestic premises

Permitted Development

H. ***The installation, alteration or replacement of a microgeneration wind turbine on—***

(a) ***a detached dwellinghouse; or***

(b) ***a detached building situated within the curtilage of a dwellinghouse or a block of flats.***

Development not permitted

H.1 Development is not permitted by Class H unless the wind turbine complies with the MCS Planning Standards or equivalent standards.

H.2 Development is not permitted by Class H if—

(a) in the case of the installation of a wind turbine the development would result in the presence of more than 1 wind turbine on the same building or within the curtilage;

(b) in the case of the installation of a wind turbine, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or the block of flats;

(c) in the case of the installation of a wind turbine, an air source heat pump is installed on the same building or within its curtilage;

(d) the highest part of the wind turbine (including blades) would either—

(i) protrude more than 3 metres above the highest part of the roof (excluding the chimney); or

(ii) exceed more than 15 metres in height,

whichever is the lesser;

(e) the distance between ground level and the lowest part of any blade of the wind turbine would be less than 5 metres;

(f) any part of the wind turbine (including blades) would be positioned so that it would be within 5 metres of any boundary of the curtilage of the dwellinghouse or the block of flats;

(g) the swept area of any blade of the wind turbine would exceed 3.8 square metres;

(h) the wind turbine would be installed on safeguarded land;

(i) the wind turbine would be installed on a site designated as a scheduled monument;

(j) the wind turbine would be installed within the curtilage of a building which is a listed building;

(k) in the case of land within a conservation area, the wind turbine would be installed on a wall or roof slope of—

(i) the detached dwellinghouse; or

(ii) a building within the curtilage of the dwellinghouse or block of flats,

which fronts a highway; or

(l) the wind turbine would be installed on article 2(3) land other than land within a conservation area.

Conditions

H.3 Development is permitted by Class H subject to the following conditions—

(a) the blades of the wind turbine is made of non-reflective materials;

(b) the wind turbine is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;

(c) the wind turbine is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

(d) the wind turbine is removed as soon as reasonably practicable when no longer needed.

Class I – installation or alteration etc of stand-alone wind turbine on domestic premises

Permitted Development

I. ***The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse or a block of flats.***

Development not permitted

I.1 Development is not permitted by Class I unless the stand-alone wind turbine complies with the MCS Planning Standards or equivalent standards.

I.2 Development is not permitted by Class I if—

(a) in the case of the installation of a stand-alone wind turbine, the development would result in the presence of more than 1 stand-alone wind turbine within the curtilage of the dwellinghouse or block of flats;

(b) in the case of the installation of a stand-alone wind turbine, a wind turbine is installed on the dwellinghouse or on a building within the curtilage of the dwellinghouse or the block of flats;

(c) in the case of the installation of a stand-alone wind turbine, an air source heat pump is installed on the dwellinghouse or block of flats or within the curtilage of the dwellinghouse or block of flats;

(d) the highest part of the stand-alone wind turbine would exceed 11.1 metres in height;

(e) the distance between ground level and the lowest part of any blade of the stand-alone wind turbine would be less than 5 metres;

(f) any part of the stand-alone wind turbine (including blades) would be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand-alone wind turbine plus 10% of its height when measured from any point along the boundary of the curtilage;

(g) the swept area of any blade of the stand-alone wind turbine exceeds 3.8 square metres;

(h) the stand-alone wind turbine would be installed on safeguarded land;

(i) the stand-alone wind turbine would be installed on a site designated as a scheduled monument;

(j) the stand-alone wind turbine would be installed within the curtilage of a building which is a listed building;

(k) in the case of land within a conservation area, the stand-alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or

(l) the stand-alone wind turbine would be installed on article 2(3) land other than land within a conservation area.

Conditions

I.3 Development is permitted by Class I subject to the following conditions—

(a) the blades of the stand-alone wind turbine is made of non-reflective materials;

(b) the stand-alone wind turbine is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and

(c) the stand-alone wind turbine is removed as soon as reasonably practicable when no longer needed.

Class J – installation or alteration etc of solar equipment on non-domestic premises

Permitted development

J. ***The installation, alteration or replacement of—***

(a) ***microgeneration solar thermal equipment on a building;***

(b) ***microgeneration solar PV equipment on a building; or***

(c) ***other solar PV equipment on the roof of a building,***

other than a dwellinghouse or a block of flats.

Development not permitted

J.1 Development is not permitted by Class J if—

(a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

(b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);

(c) the solar PV equipment or solar thermal equipment would be installed **[**[F370]on a roof and**]** within 1 metre of the external edge of that roof;

[F371](d) . . . . . .

(e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or

(f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Textual Amendments

F370 Words in Sch. 2 Pt. 14 Class J para. J.1(c) inserted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **7(1)** (with art. 8)

F371 Sch. 2 Pt. 14 para. J.1(d) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **6(2)**

J.2 Development is not permitted by Class J(a) or (b) if—

(a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;

(b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or

(c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

[F372]**J.3** . . . . . .

Textual Amendments

F372 Sch. 2 Pt. 14 para. J.3 omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **6(3)**

Conditions

J.4—(1) Class J development is permitted subject to the following conditions—

(a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and

(b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

(3) The application must be accompanied by—

(a) a written description of the proposed development;

(b) a plan indicating the site and showing the proposed development;

(c) the developer's contact address; and

(d) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(4) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class J applicable to the development in question.

(5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(6) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(8) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and

[[F373](b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F374]July 2021**]**, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.**]**

(9) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(10) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3),

unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

[[F375](12) When computing the number of days in paragraph (6)(a), any day which is a public holiday must be disregarded.**]**

Textual Amendments

F373 Sch. 2 Pt. 14 Class J para. J.4(8)(b) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **15**

F374 Words in Sch. 2 Pt. 14 Class J para. J.4(8)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(d)**

F375 Sch. 2 Pt. 14 para. J.4(12) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(5)**

Class K – installation or alteration etc of stand-alone solar equipment on non-domestic premises

Permitted development

K. ***The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a building other than a dwellinghouse or a block of flats.***

Development not permitted

K.1 Development is not permitted by Class K if—

(a) in the case of the installation of stand-alone solar, the development would result in the presence within the curtilage of more than 1 stand-alone solar;

(b) any part of the stand-alone solar—

(i) would exceed 4 metres in height **[**[F376]or, in the case of stand-alone solar installed on article 2(3) land so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway, 2 metres in height**]**;

[F377](ii) . . . . . .

(iii) would be installed within 5 metres of the boundary of the curtilage;

(iv) would be installed within the curtilage of a listed building; or

(v) would be installed on a site designated as a scheduled monument; or

(c) the surface area of the solar panels forming part of the stand-alone solar would exceed 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

Textual Amendments

F376 Words in Sch. 2 Pt. 14 para. K.1(b)(i) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **7(2)(a)**

F377 Sch. 2 Pt. 14 para. K.1(b)(ii) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **7(2)(b)**

Conditions

K.2 Development is permitted by Class K subject to the following conditions—

(a) the stand-alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; [F378]...

[[F379](aa) in the case of stand-alone solar installed on article 2(3) land nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the stand-alone solar on that land;

(ab) in relation to an application under sub-paragraph (aa), paragraphs J.4(3) to J.4(12) of this Part apply as if "Class K" substitutes the reference to "Class J" in paragraph J.4(4); and**]**

(b) the stand-alone solar is removed as soon as reasonably practicable when no longer needed.

Textual Amendments

F378 Word in Sch. 2 Pt. 14 para. K.2(a) omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **7(3)(a)**

F379 Sch. 2 Pt. 14 paras. K.2(aa)(ab), inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **7(3)(b)**

Class L – installation or alteration etc of ground source heat pump on non-domestic premises

Permitted development

L. ***The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.***

Conditions

L.1 Development is permitted by Class L subject to the following conditions—

(a) the total area of excavation must not exceed 0.5 hectares;

(b) the development must not result in the presence within the curtilage of more than 1 ground source heat pump; and

(c) a pump is removed as soon as reasonably practicable when no longer needed and the land is, as far as reasonably practicable, restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Class M – installation or alteration etc of water source heat pump on non-domestic premises

Permitted development

M. ***The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.***

Conditions

M.1 Development is permitted by Class M subject to the condition that the total surface area covered by the water source heat pump (including any pipes) must not exceed 0.5 hectares.

Class N – installation etc of flue for biomass heating system on non-domestic premises

Permitted development

N. ***The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a building other than—***

(a) ***a dwellinghouse or a block of flats; or***

(b) ***a building situated within the curtilage of a dwellinghouse or a block of flats.***

Development not permitted

N.1 Development is not permitted by Class N if—

(a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;

(b) the height of the flue would exceed either—

(i) the highest part of the roof by 1 metre or more, or

(ii) the height of an existing flue which is being replaced,

whichever is the highest;

(c) the installation of the flue would result in the installation on the same building of more than 1 flue forming part of either a biomass heating system or a combined heat and power system;

(d) the flue would be installed on a listed building, within the curtilage of a listed building or on a site designated as a scheduled monument; or

(e) in the case of a building on article 2(3) land, the flue would be installed on a wall or roof slope which fronts a highway.

Class O – installation etc of flue for combined heat and power on non-domestic premises

Permitted development

O. ***The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a building other than—***

(a) ***a dwellinghouse or a block of flats; or***

(b) ***a building situated within the curtilage of a dwellinghouse or a block of flats.***

Development not permitted

O.1 Development is not permitted by Class O if—

(a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;

(b) the height of the flue would exceed either—

(i) the highest part of the roof by 1 metre or more, or

(ii) the height of an existing flue which is being replaced,

whichever is the highest;

(c) the installation of the flue would result in the installation on the same building of more than 1 flue forming part of either a biomass heating system or a combined heat and power system;

(d) the flue would be installed on a listed building, within the curtilage of a listed building, or on a site designated as a scheduled monument; or

(e) in the case of a building on article 2(3) land, the flue would be installed on a wall or roof slope which fronts a highway.

[F380 Class OA - installation etc of a solar canopy on non-domestic, off-street parking

Textual Amendments

F380 Sch. 2 Pt. 14 Class OA inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **8**

Permitted development

OA. The installation, alteration or replacement of a solar canopy within an area lawfully used as off-street parking other than for a dwellinghouse or a block of flats

Development not permitted

OA.1. Development is not permitted by Class OA—

(a) if any part of the development—

(i) exceeds 4 metres in height above ground level;

(ii) is within 10 metres of the curtilage of a dwellinghouse or a block of flats;

(b) within the curtilage of a dwellinghouse or a block of flats;

(c) on a site designated as a scheduled monument or on land within the curtilage of a scheduled monument;

(d) within the curtilage of a listed building;

(e) for the display of an advertisement; or

(f) if the off-street parking area is in use by virtue of Class B (temporary use of land) of Part 4 (temporary buildings and uses).

Conditions

OA.2.—(1) Development is permitted by Class OA subject to the following conditions.

(2) In the case of development above a permeable surface, provision is made to direct run-off water from the solar canopy to a permeable or porous area or surface within the off-street parking area.

(3) Before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to—

(a) the solar canopy's siting, design and external appearance, in particular the impact of glare on the occupiers of neighbouring premises; and

(b) in the case of a solar canopy on article 2(3) land, the impact of the appearance of the solar canopy on that land.

(4) Paragraphs J.4(3) to J.4(12) of this Part apply in relation to an application under sub-paragraph (3) as if "Class OA" substitutes the reference to "Class J" in paragraph J.4(4).

(5) Development must be completed within a period of 3 years starting with the date on which—

(a) prior approval is given; or

(b) a determination that such approval is not required is given or the period for giving such a determination set out in paragraph J.4(9)(c) of this Part has expired without the applicant being notified whether prior approval is required, given or refused.

(6) Where the solar canopy is no longer needed, it is removed as soon as reasonably practicable and the land is restored to its condition before the development took place so far as reasonably practicable.**]**

Interpretation of Part 14

P. For the purposes of Part 14—

"aerodrome"—

(a) means any area of land or water designed, equipped, set apart, or commonly used for affording facilities for the landing and departure of aircraft; and

(b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but

(c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

"air traffic services licence holder" means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 [M84];

"block of flats" means a building which consists wholly of flats;

"detached dwellinghouse" or "detached building" means a dwellinghouse or building, as the case may be, which does not share a party wall with a neighbouring building;

"MCS Planning Standards" means the standards specified in the Microgeneration Certification Scheme for air source heat pumps **[**[F381](being MCS 020 a) - Air Source Heat Pump Sound Calculation (For Permitted Development Installations))**]** and for small and micro wind turbines **[**[F382](being MCS 020 b) - Wind Turbine Sound Calculation (For Permitted Development Installations))**]** ;

"microgeneration" has the same meaning as in section 82(6) of the Energy Act 2004 [M85];

"safeguarded land" means land which—

(a) is necessary to be safeguarded for aviation or defence purposes; and

(b) has been notified as such, in writing, to the Secretary of State by an aerodrome operator, an air traffic services licence holder or the Secretary of State for Defence for the purposes of this Part;

[[F383]"solar canopy" means a canopy structure—

(a) installed with solar PV or solar thermal equipment, and

(b) open on all sides or, in the case of development adjoining a building, on three sides;**]**

"solar PV" means solar photovoltaics;

"stand-alone solar" means solar PV or solar thermal equipment which is not installed on a building;

"stand-alone wind turbine" means a wind turbine which is not fixed to a building; and

"water source heat pump" means a heat pump where the collecting medium is water.

Textual Amendments

F381 Words in Sch. 2 Pt. 14 para. P substituted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **6(a)**

F382 Words in Sch. 2 Pt. 14 para. P substituted (29.5.2025) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2025 (S.I. 2025/560), arts. 1(2), **6(b)**

F383 Words in Sch. 2 Pt. 14 inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **9**

Marginal Citations

M84 2000 c. 38. See in particular sections 5 to 7 and 40 (section 5 was amended by S.I. 2009/1941 and 2011/205).

M85 2004 c. 20.

PART 15

Power related development

Class A – gas transporters

Permitted development

A. ***Development by a gas transporter required for the purposes of its undertaking consisting of—***

(a) ***the laying underground of mains, pipes or other apparatus;***

(b) ***the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;***

(c) ***the construction in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965 (storage authorisation orders)[M86], of boreholes, and the erection or construction in any such area of any plant or machinery required in connection with the construction of such boreholes;***

(d) ***the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed in pursuance of planning permission granted or deemed to be granted under Part 3 [[F384](control over development) or Part 13 (application of Act to Crown land) of the Act];***

(e) ***the erection on operational land of the gas transporter of a building solely for the protection of plant or machinery;***

(f) ***any other development carried out in, on, over or under the operational land of the gas transporter.***

Textual Amendments

F384 Words in Sch. 2 Pt. 15 Class A para. A(d) substituted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(a)**

Marginal Citations

M86 1965 c. 36; relevant amendments are made by section 67 of, and Schedule 7 to, the Gas Act 1986 (c. 44), **Schedule 2** to the Planning (Consequential Provisions) Act 1990 (c.11), **Schedule 4** to the Gas Act 1995 (c. 45) and Schedule 2 to the Planning Act 2008 (c. 29). See section 5(1) of the Gas Act 1965 for the meaning of storage area and protective area.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) in the case of any Class A(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level, or under a highway used by vehicular traffic;

(b) in the case of any Class A(c) development—

(i) the borehole is shown in an order approved by the Secretary of State for the purpose of section 4(6) of the Gas Act 1965; or

(ii) any plant or machinery would exceed 6 metres in height;

(c) in the case of any Class A(e) development, the building would exceed 15 metres in height; or

(d) in the case of any Class A(f) development—

(i) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected;

(ii) it would involve the installation of plant or machinery exceeding 15 metres in height, or capable without the carrying out of additional works of being extended to a height exceeding 15 metres; or

(iii) it would consist of or include the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) in the case of any Class A(a) development, not less than 8 weeks before the beginning of operations to lay a notifiable pipe-line, the gas transporter must give notice in writing to the local planning authority of its intention to carry out that development, identifying the land under which the pipe-line is to be laid;

(b) in the case of any Class A(d) development, on completion of the laying or construction of the main or pipe, or at the expiry of a period of 9 months from the beginning of the development, whichever is the sooner, any pipes or other apparatus still stored on the land are removed and the land restored as soon as reasonably practicable to its condition before the development took place (or to any other condition which may be agreed with the local planning authority); and

(c) in the case of any Class A(e) development, approval of the details of the design and external appearance of the building must be obtained, before the development is begun, from—

(i) in Greater London or a metropolitan county, the local planning authority,

(ii) in a National Park, outside a metropolitan county, the county planning authority,

(iii) in any other case, the district planning authority [M87].

Marginal Citations

M87 See section 1(1) of the Act, which was amended by section 31 of the Greater London Authority Act 2007 (c. 24); there are other amendments not relevant to this Order.

Class B – electricity undertakings

Permitted development

B. ***Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—***

(a) ***the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;***

(b) ***the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;***

(c) ***the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;***

(d) ***the extension or alteration of buildings on operational land;***

(e) ***the erection on operational land of the [[F385]undertaking of] a building solely for the protection of plant or machinery;***

(f) ***any other development carried out in, on, over or under the operational land of the undertaking.***

Textual Amendments

F385 Words in Sch. 2 Pt. 15 Class B para. B(e) substituted (6.4.2017) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 (S.I. 2017/391), arts. 1, **7(2)** (with art. 8)

Development not permitted

B.1 Development is not permitted by Class B if—

(a) in the case of any Class B(a) development—

(i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines) [M88] applies; or

(ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;

(b) in the case of any Class B(b) development—

(i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;

(ii) the height of any support would exceed 15 metres; or

(iii) the electronic communications line would exceed 1,000 metres in length;

(c) in the case of any Class B(d) development—

(i) the height of the original building would be exceeded;

(ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or

(iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;

(d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or

(e) in the case of any Class B(f) development, it would consist of or include—

(i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or

(ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

Marginal Citations

M88 1989 c. 29, was amended by Schedule 2 to the Planning Act 2008 (c. 29).

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;

(b) in the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;

(c) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and

(d) in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—

(i) in Greater London or a metropolitan county, the local planning authority,

(ii) in a National Park, outside a metropolitan county, the county planning authority,

(iii) in any other case, the district planning authority.

Interpretation of Class B

B.3 For the purposes of Class B(a), "electric line" has the meaning given by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1) [M89].

Marginal Citations

M89 1989 c. 29.

B.4 For the purposes of Class B(b)—

"electrical plant" has the meaning given by section 64(1) [M90] to that Act; and

"electronic communications line" means a line which forms part of an electronic communications apparatus, (and both line and electronic communications apparatus have the meaning given in **[**[F386]paragraph 5 of the electronic communications code set out in Schedule 3A to the Communications Act 2003**]** (the electronic communications code)).

Textual Amendments

F386 Words in Sch. 2 Pt. 15 Class B para. B.4 substituted (28.12.2017) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017 (S.I. 2017/1011), reg. 1(1), **Sch. 3 para. 9(2)(a)**; S.I. 2017/1286, **reg. 2**

Marginal Citations

M90 The definition of electrical plant was amended by Schedule 6 to the Utilities Act 2000 (c. 27).

B.5 For the purposes of Class B(d), (e) and (f), the land of the holder of a licence under section 6(1) of the Electricity Act 1989 (licensing of supply etc.) [M91] is treated as operational land if it would be operational land within section 263 of the Act (meaning of "operational land") [M92] if such licence holders were statutory undertakers for the purpose of that section.

Marginal Citations

M91 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27); subsection (1) was amended by sections 136 and 145 of, and Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2012/2400.

M92 Section 263 was amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34), **Schedule 5** to the Transport Act 2000 (c. 38) and S.I. 2001/1149.

PART 16

Communications

[[F387]Class A – electronic communications code operators

Textual Amendments

F387 Sch. 2 Pt. 16 Class A substituted (24.11.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016 (S.I. 2016/1040), arts. 1, **2(2)** (with art. 3)

Permitted development

A. ***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,***

(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.***

Development not permitted

A.1. ***Development not permitted: ground-based apparatus***

(1) 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) **[**[F388]30**]** metres above ground level on unprotected land; or

(ii) **[**[F389]25**]** metres above ground level on article 2(3) land or land which is on a highway; [F390]…

[[F391](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.**]**

Development not permitted: building-based apparatus other than small antenna and small cell systems

(2) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than small antenna and small cell systems) on a building is not permitted by Class A(a) if—

(a) the height of the electronic communications apparatus (taken by itself) would exceed—

(i) 15 metres, where it is installed on a building which is 30 metres or more in height; or

(ii) 10 metres in any other case;

(b) the highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than—

(i) 10 metres, in the case of a building which is 30 metres or more in height;

(ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or

(iii) 6 metres in any other case;

[[F392](c) in the case of the installation, alteration or replacement of a mast on a building which is—

(i) on article 2(3) land or land which is, or is within, a site of special scientific interest; and

(ii) less than 15 metres in height,

the mast would be within 20 metres of the highway (unless the siting remains the same and the dimensions of the altered or replaced mast are no greater);**]**

(d) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—

(i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

(ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all the dishes on the building would exceed 4.5 metres, when measured in any dimension;

(iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of—

(aa) more than 3 antenna systems; or

(bb) any antenna system operated by more than 3 electronic communications code operators; or

(iv) the building is a listed building or a scheduled monument;

(e) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level—

(i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes on the building would exceed 10 metres, when measured in any dimension;

(ii) in the case of antennas other than dish antennas, the development would be on a building which is less than 30 metres in height and would result in the presence on the building of—

(aa) more than 5 antenna systems; or

(bb) any antenna system operated by more than 3 electronic communications code operators; or

(iii) the building is a listed building or a scheduled monument; or

(f) in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land—

(i) the size of any dish antenna to be installed would exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or

(ii) the height of any antenna other than dish antenna to be installed would exceed 3 metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3.

Development not permitted: apparatus on masts

(3) 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.

Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

(4) Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—

(a) on any article 2(3) land unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land;

(ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse;

(iii) the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or

(iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), **[**[F393]A.1(1)(d)(ii)**]** or A.1(2)(f);

(b) on any land which is, or is within, a site of special scientific interest unless—

(i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or

(ii) the development is within the limitations specified in paragraph A.1(5).

Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse

(5) Development consisting of the installation, alteration or replacement of any electronic communications apparatus on a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if that apparatus—

(a) is not a small antenna;

(b) is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

(c) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than 1 small antenna;

(d) is to be located on a roof or chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively; or

(e) is on article 2(3) land and would be located—

(i) on a chimney;

(ii) on a building which exceeds 15 metres in height;

(iii) on a wall or roof slope which fronts a highway; or

(iv) in the Broads, on a wall or roof slope which fronts a waterway.

Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse

(6) Development consisting of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if—

(a) that antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located;

(b) the building is less than 15 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 1 small antenna; or

(c) the building is 15 metres or more in height, but less than 30 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 2 small antennas.

Development not permitted: ground or base area

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

[F394](c) . . . . . .

(d) any apparatus which does not project above the level of the surface of the ground; or

(e) 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.

Development not permitted: driver information systems

(8) Development consisting of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.) is not permitted by Class A(a).

Development not permitted: radio equipment housing

(9) 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) [F395]... 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.

[[F396](9A) Sub-paragraph (9)(b) and (c) does 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)).**]**

[**[F397]**Development not permitted: public call box

(10) Development consisting of the installation, alteration or replacement of a public call box is not permitted by Class A.**]**

Textual Amendments

F388 Word in Sch. 2 Pt. 16 para. A.1(1)(c)(i) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(2)(a)(i)**

F389 Word in Sch. 2 Pt. 16 para. A.1(1)(c)(ii) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(2)(a)(ii)**

F390 Word in Sch. 2 Pt. 16 para. A.1(1)(c) omitted (4.4.2022) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(2)(b)**

F391 Sch. 2 Pt. 16 para. A.1(1)(d)(e) substituted for Sch. 2 Pt. 16 para. A.1(1)(d) (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(2)(c)**

F392 Sch. 2 Pt. 16 para. A.1(2)(c) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(3)**

F393 Word in Sch. 2 Pt. 16 para. A.1(4)(a)(iv) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(4)**

F394 Sch. 2 Pt. 16 Class A para. A.1(7)(c) omitted (25.5.2019) by virtue of The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(a)** (with reg. 19)

F395 Words in Sch. 2 Pt. 16 para. A.1(9)(c) omitted (4.4.2022) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(5)**

F396 Sch. 2 Pt. 16 para. A.1(9A) inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **3(6)**

F397 Sch. 2 Pt. 16 Class A para. A.1(10) inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(b)** (with reg. 19)

Conditions

A.2.—(1) Class A(a) and A(c) development is permitted subject to the condition that—

[[F398](a) 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,

constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable;**]**

[[F399](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;

(ii) a scheduled monument or a listed building;

(iii) the curtilage of a schedule monument or a listed building;

(iv) a World Heritage Site;

(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 8C 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.**]**

(2) Class A development is permitted subject to the condition that—

(a) any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated—

(i) if such development was carried out in an emergency, at the expiry of the relevant period; or

(ii) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and

(b) such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

(3) Subject to sub-paragraph (5), Class A development—

(a) on article 2(3) land, excluding development specified in sub-paragraph (4);

(b) on land which is, or is within, a site of special scientific interest; [F400]...

(c) on unprotected land where that development consists of—

(i) the installation of a mast **[**[F401], other than the installation of a mast on a building where the height of the mast (including any antenna and supporting apparatus) does not exceed the height of the highest part of the building by more than 6 metres**]**;

(ii) the alteration or replacement of a mast **[**[F402], other than on a building,**]** which, when completed—

(aa) is taller than the mast which existed prior to such alteration or replacement; and

(bb) exceeds a height of **[**[F403]25**]** metres above ground level **[**[F404]excluding any antenna**]**;

[[F405](iia) the alteration or replacement of a mast **[**[F406], other than on a building,**]** which—

(aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or

(bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or**]**

(iii) **[**[F407]the construction, installation, alteration or replacement of radio equipment housing, where the volume of any single development **[**[F408], other than a single development within a permitted compound,**]** exceeds 2.5 cubic metres**][**[F409];

(d) on a highway where that development consists of—

(i) the alteration or replacement of a mast **[**[F410], other than on a building,**]** which, when completed—

(aa) is taller than the mast which existed prior to such alteration or replacement; and

(bb) exceeds a height of 20 metres above ground level **[**[F411]excluding any antenna**]**;

(ii) the alteration or replacement of a mast which—

(aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or

(bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or

(e) which consists of the installation, alteration or replacement of a mast on a defence safeguarding area**]**.

is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval).

(4) Development is specified for the purposes of sub-paragraph (3)(a), if it consists of—

(a) the installation, alteration or replacement of a small cell system on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse; [F412]...

(b) development which is within the limitations specified in paragraph [F413]... A.1(2)(f), A.1(5) or A.1(6) **[**[F414];

(c) the construction, installation, alteration or replacement of radio equipment housing—

(i) within a permitted compound; or

(ii) in any other location, where the volume of any single development does not exceed 2.5 cubic metres;

(d) the alteration or replacement of a mast **[**[F415], other than on a building,**]** which, when completed, is no taller **[**[F416](excluding any antenna)**]** than the taller of—

(i) the height of the mast prior to such alteration or replacement; or

(ii) 20 metres above ground level; or

(e) the alteration or replacement of a mast **[**[F417], other than on a building,**]** which—

(i) is less than one metre wide where the mast would, when altered or replaced, not exceed the original width of the mast by two thirds; or

(ii) is one metre wide or wider where the mast would, when altered or replaced, not exceed the original width of the mast by more than one half or 2 metres, whichever is the greater**]**.

(5) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband [F418]...

[[F419](5A) Except in case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject (in addition to any other condition imposed by this paragraph) to the conditions that—

(a) the developer notifies in writing—

(i) the Civil Aviation Authority, in respect of development on a civil safeguarding area;

(ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area;

(iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence); and

(b) the development does not begin until the end of 28 days after the day the last notification required by paragraph (a) is given.

(5B) In case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject to the condition that the developer notifies the person mentioned in sub-paragraph (5A)(a)(i) to (iii) (as appropriate) as soon as practicable after the emergency begins.**]**

(6) In this paragraph—

"fixed-line broadband" means a service or connection (commonly referred to as being 'always on'), via a fixed-line network, providing a bandwidth greater than narrowband (and for these purposes, "narrowband" means a service or connection providing data speeds up to 128 k bit/s); and

"relevant period" means a period which expires when the need for any electronic communications apparatus, structure or use permitted by Class A ceases or, if sooner, 18 months from the commencement of the construction, installation, alteration or replacement of apparatus or structures permitted by Class A(a) or Class A(c), or the commencement of the use permitted by Class A(b), as the case may be.

Textual Amendments

F398 Sch. 2 Pt. 16 para. A.2(1)(a) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(2)(a)**

F399 Sch. 2 Pt. 16 para. A.2(1)(b)-(d) substituted for Sch. 2 Pts. 16para. A.2(1)(b) (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(2)(b)**

F400 Word in Sch. 2 Pt. 16 para. A.2(3) omitted (4.4.2022) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(3)(a)**

F401 Words in Sch. 2 Pt. 16 para. A.2(3)(c)(i) inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(3)(b)(i)**

F402 Words in Sch. 2 Pt. 16 para. A.2(3)(c)(ii) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(2)(a)(i)(aa)**

F403 Word in Sch. 2 Pt. 16 para. A.2(3)(c)(ii)(bb) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(3)(b)(ii)**

F404 Words in Sch. 2 Pt. 16 para. A.2(3)(c)(ii)(bb) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(2)(a)(i)(bb)**

F405 Sch. 2 Pt. 16 para. A.2(3)(c)(iia) inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(3)(b)(iii)**

F406 Words in Sch. 2 Pt. 16 paras. A.2(3)(c)(iia) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(2)(a)(ii)**

F407 Sch. 2 Pt. 16 Class A para. A.2(3)(c)(iii) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(c)** (with reg. 19)

F408 Words in Sch. 2 Pt. 16 para. A2(3)(c)(iii) inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(3)(b)(iv)**

F409 Sch. 2 Pt. 16 para. A.2(3)(d)(e) and semicolon inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(3)(c)**

F410 Words in Sch. 2 Pt. 16 para. A.2(3)(d)(i) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(2)(b)(i)**

F411 Words in Sch. 2 Pt. 16 para. A.2(3)(d)(i)(bb) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(2)(b)(ii)**

F412 Word in Sch. 2 Pt. 16 para. A.2(4)(a) omitted (4.4.2022) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(4)(a)**

F413 Word in Sch. 2 Pt. 16 para. A.2(4)(b) omitted (4.4.2022) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(4)(b)**

F414 Sch. 2 Pt. 16 para. A.2(4)(c)-(e) and semicolon inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(4)(c)**

F415 Words in Sch. 2 Pt. 16 para. A.2(4)(d) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(3)(a)(i)**

F416 Words in Sch. 2 Pt. 16 para. A.2(4)(d) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(3)(a)(ii)**

F417 Words in Sch. 2 Pt. 16 para. A.2(4)(e) inserted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(3)(b)**

F418 Words in Sch. 2 Pt. 16 Class A para. A.2(5) omitted (6.4.2018) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **15**

F419 Sch. 2 Pt. 16 para. A.2(5A)(5B) inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **4(5)**

Prior approval

A.3.—(1) Before making the application required by sub-paragraph (4), the developer must give notice of the proposed development to—

(a) any person (other than the developer) who is an owner of the land to which the development relates, or

(b) a tenant of an agricultural holding any part of which is comprised in the land to which the application relates.

(2) Notice must be given by or on behalf of the developer as follows—

(a) by serving a signed and dated notice on every person described in sub-paragraph (1) whose name and address is known to the developer, stating—

(i) the name of the developer;

(ii) the address or location of the proposed development;

(iii) a description of the proposed development (including its siting and appearance which includes the height of any mast);

(iv) a statement that the developer will apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development;

(v) the name and address of the local planning authority to whom the application will be made;

(vi) a statement that the application is available for public inspection at the offices of the local planning authority during usual office hours;

(vii) a statement that any person who wishes to make representations about the siting and appearance of the proposed development may do so in writing to the local planning authority;

(viii) the date by which any such representations should be received by the local planning authority, being a date not less than 14 days from the date of the notice; and

(ix) the address to which such representations should be made; or

(b) if the developer has been unable to ascertain the names and addresses of every such person after taking reasonable steps, by local advertisement.

[F420](3) . . . . . .

(4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

(5) The application must be accompanied by—

(a) a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid;

(b) the developer's contact address, and the developer's email address if the developer is content to receive communications electronically;

(c) evidence that the requirements of sub-paragraph (1) have been satisfied where applicable; and

(d) where **[**[F421]the condition in paragraph A.2(5A)**]** applies, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the **[**[F422]operator of the civil safeguarding area or defence safeguarding area**]**, as the case may be, has been notified of the proposal.

(6) Subject to sub-paragraphs (8)(b)(ii) and (c), upon receipt of the application in accordance with sub-paragraph (5), the local planning authority must—

(a) for development which, in their opinion, falls within a category set out in the Table in Schedule 4 to the Procedure Order (consultations before the grant of permission), consult the authority or person mentioned in relation to that category, except where—

(i) the local planning authority are the authority so mentioned; or

(ii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted,

and must give the consultees at least 14 days within which to comment;

[[F423](ab) for development which is subject to the condition in paragraph A.2(5A), consult—

(i) the Civil Aviation Authority, in respect of development on a civil safeguarding area;

(ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area;

(iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence);**]**

(b) in the case of development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated, or which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way) applies, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order (notice of applications for planning permission)—

(i) by site display in at least one place on or near the land to which the application relates, for not less than 21 days, and

(ii) by local advertisement;

(c) in the case of development which does not fall within paragraph (b) but which involves development carried out on a site having an area of 1 hectare or more, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order by local advertisement and either—

(i) by site display in at least one place on or near the land to which the application relates, for not less than 21 days, or

(ii) by serving notice on any adjoining owner or occupier;

(d) in the case of development which does not fall within paragraph (b) or (c), must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order—

(i) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or

(ii) by serving notice on any adjoining owner or occupier.

(7) When determining the application made under sub-paragraph (4), the local planning authority **[**[F424]must—

(a) take into account any representations made to them as a result of consultations or notices given under paragraph A.3; and

(b) not grant prior approval contrary to the advice of any person consulted in accordance with sub-paragraph (6)(ab)**]**.

(8) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that prior approval is not required;

(b) where the local planning authority gives the applicant written notice that prior approval is required—

(i) the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5);

(ii) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or

(c) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.

(9) The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(a) where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), in accordance with the details approved;

(b) in any other case, in accordance with the details submitted with the application.

(10) The agreement in writing referred to in sub-paragraph (9) requires no special form of writing, and, where that agreement is in place, there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval.

(11) The development must begin—

(a) where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), not later than the expiration of 5 years beginning with the date on which the approval was given;

(b) in any other case, not later than the expiration of 5 years beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5).

(12) In the case of emergency, development is permitted by Class A subject to the condition that the operator must give written notice of such development as soon as possible after the emergency begins, to—

(a) the local planning authority; and

(b) in the case of development carried out on land which is, or is within, a site of special scientific interest, to Natural England.

[[F425](13) When computing the number of days in sub-paragraphs (6)(b)(i), (6)(c)(i) and (6)(d)(i), any day which is a public holiday must be disregarded.**]**

Textual Amendments

F420 Sch. 2 Pt. 16 para. A.3(3) omitted (4.4.2022) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **5(2)**

F421 Words in Sch. 2 Pt. 16 para. A.3(5)(d) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **5(3)(a)**

F422 Words in Sch. 2 Pt. 16 para. A.3(5)(d) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **5(3)(b)**

F423 Sch. 2 Pt. 16 para. A.3(6)(ab) inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **5(4)**

F424 Words in Sch. 2 Pt. 16 para. A.3(7) substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **5(5)**

F425 Sch. 2 Pt. 16 Class A para. A.3(13) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(6)**

Intepretation of Class A

A.4 For the purposes of Class A—

[[F426]"aerodrome" has the meaning given by the Safeguarding Direction;**]**

"antenna system" means a set of antennas installed on a building and operated in accordance with the electronic communications code;

[[F427]"civil safeguarding area" means the area identified on a safeguarding map issued by the Civil Aviation Authority in relation to an aerodrome or technical site;

"defence safeguarding area" means the area identified on a safeguarding map issued by the Secretary of State for Defence in relation to an aerodrome, a military explosives storage area or a technical site;**]**

"development ancillary to radio equipment housing" means the construction installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing, and except on any land which is, or is within, a site of special scientific interest includes—

(a) security equipment;

(b) perimeter walls and fences; and

(c) handrails, steps and ramps;

"electronic communications apparatus" and "electronic communications code" have the same meaning as in the Communications Act 2003;

"electronic communications code operator" means a person in whose case the electronic communications code is applied by a direction under section 106(3)(a) of the Communications Act 2003;

[[F428]"electronic communications service" means a service falling within the definition of that term in section 32(2) of the Communications Act 2003;**]**

[[F429]"footway" has the meaning given by section 329(1) (further provisions as to interpretation) of the Highways Act 1980;**]**

"mast" means a radio mast or radio tower;

[[F430]"military explosives storage area" has the meaning given by the Safeguarding Direction;

"original width", in relation to a mast, means the width of the mast approved by the most recent—

(a) prior approval given in respect of the mast under this Class; or

(b) express grant of planning permission following an express application for planning permission in respect of the mast;**]**

"owner" means any person who is the estate owner in respect of the fee simple, or who is entitled to a tenancy granted or extended for a term of years certain of which not less than 7 years remain unexpired;

[[F431]"permitted compound" means a compound which—

(a) is no more than 100 square metres in area; and

(b) has a closed perimeter;**]**

[[F432]"public call box" means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator;**]**

[[F433]"the Safeguarding Direction" means the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002;

[[F434]"safeguarding map" means—

(a) a map which meets the definition of "safeguarding map" in the Safeguarding Direction;

(b) a map issued under article 31(1) of the Procedure Order or any previous powers to the like effect;**]**

"single development", in relation to radio equipment housing, means development in relation to a single, discrete unit of radio equipment housing (irrespective of when the development takes place);**]**

"small antenna" means an antenna which—

(a) is for use in connection with a telephone system operating on a point to fixed multi-point basis;

(b) does not exceed 0.5 metres in any linear measurement; and

(c) does not, in two-dimensional profile, have an area exceeding 1,591 square centimetres,

and any calculation for the purposes of paragraph (b) or (c) excludes any feed element, reinforcing rim mountings and brackets;

[[F435]"small cell system" means low-power wireless network access equipment operating within a small range (irrespective of whether the underlying network topology is mobile or fixed), together with any ancillary apparatus, which—

(a) operates on a point to multi-point or area basis in connection with an electronic communications service (as defined in section 32 of the Communications Act 2003);

(b) [F436]...

(c) does not, in any two-dimensional measurement, have a surface area exceeding 5,000 square centimetres; and

(d) does not have a volume exceeding 50,000 cubic centimetres,

and any calculation for the purposes of paragraph (c) or (d) includes any power supply unit or casing, but excludes any mounting, fixing, bracket or other support structure;

"technical site" has the meaning given by the Safeguarding Direction;**]**

"unprotected land" means any land which is not—

(a) article 2(3) land; or

(b) land which is a site of special scientific interest**[**[F437]; and

"width", in relation to a mast, means the width of the mast at its widest point—

(a) excluding any antenna; and

(b) including any antenna support structures,

and "wide" is to be construed accordingly.**]**

Textual Amendments

F426 Words in Sch. 2 Pt. 16 para. A.4 substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(a)**

F427 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(b)**

F428 Words in Sch. 2 Pt. 16 Class A para. A.4 inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(d)(i)** (with reg. 19)

F429 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(c)**

F430 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(d)**

F431 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(e)**

F432 Words in Sch. 2 Pt. 16 Class A para. A.4 inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(d)(ii)** (with reg. 19)

F433 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(f)**

F434 Words in Sch. 2 Pt. 16 para. A.4 substituted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(4)(a)**

F435 Words in Sch. 2 Pt. 16 para. A.4 substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(g)**

F436 Words in Sch. 2 Pt. 16 para. A.4 omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(4)(b)**

F437 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(h)**

A.5 Where Class A permits the installation, alteration or replacement of any electronic communications apparatus, the permission extends to any—

(a) casing or covering;

(b) mounting, fixing, bracket or other support structure;

(c) perimeter walls or fences;

(d) handrails, steps or ramps; or

(e) security equipment,

reasonably required for the purposes of the electronic communications apparatus.

A.6 Nothing in paragraph A.5 extends the permission in Class A to include the installation, alteration or replacement of anything mentioned in paragraph A.5(a) to (e) on any land which is, or is within, a site of special scientific interest if the inclusion of such an item would not have been permitted by Class A, as read without reference to paragraph A.5.**]**

Textual Amendments

F426 Words in Sch. 2 Pt. 16 para. A.4 substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(a)**

F427 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(b)**

F428 Words in Sch. 2 Pt. 16 Class A para. A.4 inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(d)(i)** (with reg. 19)

F429 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(c)**

F430 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(d)**

F431 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(e)**

F432 Words in Sch. 2 Pt. 16 Class A para. A.4 inserted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **16(d)(ii)** (with reg. 19)

F433 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(f)**

F434 Words in Sch. 2 Pt. 16 para. A.4 substituted (21.12.2023) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(4)(a)**

F435 Words in Sch. 2 Pt. 16 para. A.4 substituted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(g)**

F436 Words in Sch. 2 Pt. 16 para. A.4 omitted (21.12.2023) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023 (S.I. 2023/1279), arts. 1(1), **10(4)(b)**

F437 Words in Sch. 2 Pt. 16 para. A.4 inserted (4.4.2022) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022 (S.I. 2022/278), arts. 1(1), **6(h)**

*Class B – other **[**[F438]electronic communications**]** development*

Textual Amendments

F438 Words in Sch. 2 Pt. 16 Class B heading substituted (28.12.2017) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017 (S.I. 2017/1011), reg. 1(1), **Sch. 3 para. 9(2)(b)(i)**; S.I. 2017/1286, **reg. 2**

Permitted development

B. ***The installation, alteration or replacement on any building or other structure of a height of 15 metres or more of a microwave antenna and any structure intended for the support of a microwave antenna.***

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the building is a dwellinghouse or the building or structure is within the curtilage of a dwellinghouse;

(b) it would consist of development of a kind described in Class A of this Part;

(c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc) [M93];

(d) it would result in the presence on the building or structure of more than 4 antennas;

(e) in the case of an antenna installed on a chimney, the length of the antenna would exceed 0.6 metres;

(f) in all other cases, the length of the antenna would exceed 1.3 metres;

(g) it would consist of the installation of an antenna with a cubic capacity in excess of 35 litres;

(h) the highest part of the antenna or its supporting structure would be more than 3 metres higher than the highest part of the building or structure on which it is installed or is to be installed; or

(i) 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.

Marginal Citations

M93 1989 c. 22.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

(a) the antenna is, so far as is practicable, sited so as to minimise its effect on the external appearance of the building or structure on which it is installed; and

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

*Class C – other **[**[F439]electronic communications**]** development: microwave antenna*

Textual Amendments

F439 Words in Sch. 2 Pt. 16 Class C heading substituted (28.12.2017) by The Communications Act 2003 and the Digital Economy Act 2017 (Consequential Amendments to Secondary Legislation) Regulations 2017 (S.I. 2017/1011), reg. 1(1), **Sch. 3 para. 9(2)(b)(ii)**; S.I. 2017/1286, **reg. 2**

Permitted development

C. ***The installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a microwave antenna.***

Development not permitted

C.1 Development is not permitted by Class C if—

(a) the building is a dwellinghouse or other structure within the curtilage of a dwellinghouse;

(b) it would consist of development of a kind described in Class A of this Part;

(c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc);

(d) it would result in the presence on the building or structure 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 over the chimney;

(vi) an antenna with a cubic capacity in excess of 35 litres;

(e) 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;

(f) 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 stack, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lowest; or

(g) 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.

Condition

C.2 Development is permitted by Class C subject to the following conditions—

(a) the antenna is, so far as practicable, sited so as to minimise its effect on the external appearance of the building or structure on which it is installed; and

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

Interpretation of Class C

C.3 The relevant size criteria for the purposes of paragraph C.1(d)(iii) are that:

(a) only 1 of the antennas may exceed 0.6 metres in length; and

(b) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length.

Class D – driver information systems

Permitted development

D. ***The installation, alteration or replacement of system apparatus by or on behalf of a driver information system operator.***

Development not permitted

D.1 Development is not permitted by Class D if—

(a) in the case of the installation, alteration or replacement of system apparatus other than on a building or other structure—

(i) the ground or base area of the system apparatus would exceed 1.5 square metres; or

(ii) the system apparatus would exceed a height of 15 metres above ground level; or

(b) in the case of the installation, alteration or replacement of system apparatus on a building or other structure—

(i) the highest part of the apparatus when installed, altered, or replaced would exceed in height the highest part of the building or structure by more than 3 metres; or

(ii) the development would result in the presence on the building or structure of more than 2 microwave antennas.

Conditions

D.2 Development is permitted by Class D subject to the following conditions—

(a) any system apparatus is, so far as practicable, sited so as to minimise its effect on the external appearance of any building or other structure on which it is installed; and

(b) any system apparatus which is no longer needed for a driver information system is removed as soon as reasonably practicable.

Interpretation of Class D

D.3 For the purposes of Class D—

"driver information system operator" means a person granted an operator's licence under section 10 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (operators' licences) [M94]; and

"system apparatus" has the meaning assigned to that term by section 8(6) of that Act (definitions of driver information systems etc.).

Marginal Citations

M94 1989 c. 22.

Class E – universal postal service providers

Permitted development

E. ***Development required for the purposes of a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011 [M95]) in connection with the provision of a universal postal service (within the meaning of that Part) consisting of—***

(a) ***the installation of posting boxes or self-service machines,***

(b) ***any other development carried out in, on, over or under the operational land of the undertaking.***

Marginal Citations

M95 2011 c. 5. By section 65(1) (as applied by section 65(3)), a universal service provider means any postal operator for the time being designated under section 35, and postal operator has the meaning given by section 27.

Development not permitted

E.1 Development is not permitted by Class E if—

(a) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or

(b) it would consist of or include the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any existing plant or machinery, whichever is the greater.

Interpretation of Part 16

F.1 For the purposes of Part 16, the length of an antenna is to be measured in any linear direction and excludes any projecting feed element, reinforcing rim, mounting or brackets.

PART 17

Mining and mineral exploration

Class A – extensions, alterations etc ancillary to mining operations

Permitted development

A. ***The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—***

(a) ***plant or machinery,***

(b) ***buildings,***

(c) ***private ways or private railways or sidings, or***

(d) ***sewers, mains, pipes, cables or other similar apparatus,***

on land used as a mine.

Development not permitted

A.1 Development is not permitted by Class A—

(a) in relation to land at an underground mine—

(i) on land which is not an approved site; or

(ii) on land to which the description in paragraph N.2(1)(b) of this Part applies, unless a plan of that land was deposited with the mineral planning authority [M96] before 5th June 1989;

(b) if the principal purpose of the development would be any purpose other than—

(i) purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or

(ii) the treatment, storage or removal from the mine of such minerals or waste materials derived from them;

(c) if the external appearance of the mine would be materially affected;

(d) if the height of any building, plant or machinery which is not in an excavation would exceed—

(i) 15 metres above ground level; or

(ii) the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,

whichever is the greater;

(e) if the height of any building, plant or machinery in an excavation would exceed—

(i) 15 metres above the excavated ground level; or

(ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or

(iii) the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,

whichever is the greatest;

(f) if any building erected (other than a replacement building) would have a floor space exceeding 1,000 square metres; or

(g) if the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1,000 square metres the floor space of that building.

Marginal Citations

M96 *See* section 1(4) of the Act.

Condition

A.2 Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

(a) all buildings, plant and machinery permitted by Class A are removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) the land is restored, so far as is practicable, to its condition before the development took place, or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

Class B – other developments ancillary to mining operations

Permitted development

B. ***The carrying out, on land used as a mine or on ancillary mining land of operations for the erection, installation, extension, rearrangement, replacement, repair or other alteration of any—***

(a) ***plant or machinery,***

(b) ***buildings, or***

(c) ***structures or erections.***

Development not permitted

B.1 Development is not permitted by Class B—

(a) in relation to land at an underground mine—

(i) on land which is not an approved site; or

(ii) on land to which the description in paragraph N.2(1)(b) of this Part applies, unless a plan of that land was deposited with the mineral planning authority [M97] before 5th June 1989; or

(b) if the principal purpose of the development would be any purpose other than—

(i) purposes in connection with the operation of the mine;

(ii) the treatment, preparation for sale, consumption or utilization of minerals won or brought to the surface at that mine; or

(iii) the storage or removal from the mine of such minerals, their products or waste materials derived from them.

Marginal Citations

M97 *See* section 1(4) of the Act.

Condition

B.2—(1) Subject to sub-paragraph (2), development is permitted by Class B subject to the prior approval of the mineral planning authority of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

(a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or

(b) the proposed development ought to be, and could reasonably be, sited elsewhere.

B.3 Development is permitted by Class B subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

(a) all buildings, plant, machinery, structures and erections permitted by Class B is removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) the land is restored, so far as is practicable, to its condition before the development took place or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

Class C – developments for maintenance or safety

Permitted development

C. ***The carrying out of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.***

Development not permitted

C.1 Development is not permitted by Class C if it is carried out by the Coal Authority or any licensed operator within the meaning of section 65 of the Coal Industry Act 1994 (interpretation) [M98].

Marginal Citations

M98 1994 c. 32; which was amended by S.I. 2009/1941. See also section 25 concerning coal-mining operations to be licensed.

Conditions

C.2—(1) Subject to sub-paragraphs (2) and (3), development is permitted by Class C subject to the prior approval of the mineral planning authority [M99] of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) is not required if—

(a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;

(b) no building, plant, machinery, structure or erection—

(i) would exceed a height of 15 metres above ground level, or

(ii) where any building, plant, machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater, and

(c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in sub-paragraph (4).

(3) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

(a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or

(b) the proposed development ought to be, and could reasonably be, sited elsewhere.

(4) The limits referred to in paragraph C.2(2)(c) are—

(a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%; and

(b) that the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

Marginal Citations

M99 *See* section 1(4) of the Act.

Class D – coal mining development by the Coal Authority and licensed operators

Permitted development

D. ***Development by a licensee of the Coal Authority, in a mine started before 1st July 1948, consisting of—***

(a) ***the winning and working underground of coal or coal-related minerals in a designated seam area; or***

(b) ***the carrying out of development underground which is required in order to gain access to and work coal or coal-related minerals in a designated seam area.***

Conditions

D.1 Development is permitted by Class D subject to the following conditions—

(a) subject to paragraph (b)—

(i) except in a case where there is an approved restoration scheme or mining operations have permanently ceased, the developer must, before 31st December 1995 or before any later date which the mineral planning authority [M100] may agree in writing, apply to the mineral planning authority for approval of a restoration scheme;

(ii) where there is an approved restoration scheme, reinstatement, restoration and aftercare is carried out in accordance with that scheme;

(iii) if an approved restoration scheme does not specify the periods within which reinstatement, restoration or aftercare should be carried out, it is subject to conditions that—

(aa) reinstatement or restoration, if any, is to be carried out before the end of the period of 24 months from either the date when the mining operations have permanently ceased or the date when any application for approval of a restoration scheme under paragraph (a)(i) has been finally determined, whichever is later, and

(bb) aftercare, if any, in respect of any part of a site, is to be carried out throughout the period of 5 years from either the date when any reinstatement or restoration in respect of that part is completed or the date when any application for approval of a restoration scheme under paragraph (a)(i) has been finally determined, whichever is later;

(iv) where there is no approved restoration scheme—

(aa) all buildings, plant, machinery, structures and erections used at any time for or in connection with any previous coal-mining operations at that mine are removed from any land which is an authorised site unless the mineral planning authority have otherwise agreed in writing; and

(bb) that land is, so far as practicable, restored to its condition before any previous coal-mining operations at that mine took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer,

before the end of the period specified in paragraph (a)(v);

(v) the period referred to in paragraph (a)(iv) is—

(aa) the period of 24 months from the date when the mining operations have permanently ceased or, if an application for approval of a restoration scheme has been made under paragraph (a)(i) before that date, 24 months from the date when that application has been finally determined, whichever is later, or

(bb) any longer period which the mineral planning authority have agreed in writing;

(vi) for the purposes of paragraph (a), an application for approval of a restoration scheme has been finally determined when the following conditions have been met—

(aa) any proceedings on the application, including any proceeding on or in consequence of an application under section 288 of the Act (proceedings for questioning the validity of certain orders, decisions and directions) [M101], have been determined, and

(bb) any time for appealing under section 78 (right to appeal against planning decisions and failure to take such decisions) [M102], or applying or further applying under section 288, of the Act (where there is a right to do so) has expired; and

(b) paragraph (a) does not apply to land in respect of which there is an extant planning permission which—

(i) has been granted on an application under Part 3 **[**[F440]or Part 13**]** of the Act; and

(ii) has been implemented.

Textual Amendments

F440 Words in Sch. 2 Pt. 17 para. D.1(b)(i) inserted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(b)(i)**

Marginal Citations

M100 *See* section 1(4) of the Act.

M101 Section 288 was amended by Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53).

M102 Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34), **Schedules 10** and 11 to the Planning Act 2008 (c. 29), **section 123** of, and Schedule 12 to, the Localism Act 2011 (c. 20) and Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

Interpretation of Class D

D.2 For the purposes of Class D—

"approved restoration scheme" means a restoration scheme which is approved when an application made under paragraph D.1(a)(i) is finally determined, as approved (with or without conditions), or as subsequently varied with the written approval of the mineral planning authority (with or without conditions);

"coal-related minerals" means minerals other than coal which are, or may be, won and worked by coal-mining operations;

"designated seam area" means land identified, in accordance with paragraph (a) of the definition of "seam plan", in a seam plan which was deposited with the mineral planning authority before 30th September 1993;

"a licensee of the Coal Authority" means any person who is for the time being authorised by a licence under Part 2 of the Coal Industry Act 1994 to carry on coal-mining operations to which section 25 of that Act (coal-mining operations to be licensed) applies;

"previous coal-mining operations" has the same meaning as in section 54(3) of the Coal Industry Act 1994 (obligations to restore land affected by coal-mining operations) and references in Class D to the use of anything in connection with any such operations include references to its use for or in connection with activities carried on in association with, or for purposes connected with, the carrying on of those operations;

"restoration scheme" means a scheme which makes provision for the reinstatement, restoration or aftercare (or a combination of these) of any land which is an authorised site and has been used at any time for or in connection with any previous coal-mining operations at that mine; and

"seam plan" means a plan on a scale of not less than 1 to 25,000 showing—

(a) land comprising the maximum extent of the coal seam or seams that could have been worked from shafts or drifts existing at a mine at 13th November 1992, without further development on an authorised site other than development permitted by Class B of Part 20 of Schedule 2 to the Town and Country Planning General Development Order 1988 [M103], as originally enacted;

(b) any active access used in connection with the land referred to in paragraph (a) of this definition;

(c) the National Grid lines and reference numbers shown on Ordnance Survey maps;

(d) a typical stratigraphic column showing the approximate depths of the coal seam referred to in paragraph (a) of this definition.

Marginal Citations

M103 S.I. 1988/1813.

Class E – coal mining development by a licensee of the British Coal Corporation

Permitted development

E. ***Development by a licensee of the British Coal Corporation, in a mine started before 1st July 1948, consisting of—***

(a) ***the winning and working underground of coal or coal-related minerals in a designated seam area; or***

(b) ***the carrying out of development underground which is required in order to gain access to and work coal or coal-related minerals in a designated seam area.***

Interpretation of Class E

E.1 For the purposes of Class E—

"coal-related minerals" means minerals other than coal which can only be economically worked in association with the working of coal or which can only be economically brought to the surface by the use of a mine of coal;

"designated seam area" has the same meaning as in paragraph D.2 of this Part; and

"a licensee of the British Coal Corporation" means any person who is for the time being authorised by virtue of section 25(3) of the Coal Industry Act 1994 (coal-mining operations to be licensed) [M104] to carry on coal-mining operations to which section 25 of that Act applies.

Marginal Citations
M104 1994 c. 21.

Class F – coal-mining development on an authorised site

Permitted development

F. ***Any development required for the purposes of a mine which is carried out on an authorised site at that mine by a licensed operator in connection with coal-mining operations.***

Development not permitted

F.1 Development is not permitted by Class F if—

(a) the external appearance of the mine would be materially affected;

(b) any building, plant or machinery, structure or erection or any deposit of minerals or waste—

(i) would exceed a height of 15 metres above ground level, or

(ii) where a building, plant or machinery would be rearranged, replaced or repaired, the resulting development would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater;

(c) any building erected (other than a replacement building) would have a floor space exceeding 1,000 square metres;

(d) the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1,000 square metres, the floor space of that building;

(e) it would be for the purpose of creating a new surface access to underground workings or of improving an existing access (which is not an active access) to underground workings; or

(f) it would be carried out on land to which the description in paragraph N.2(2)(b) of this Part applies, and a plan of that land had not been deposited with the mineral planning authority [M105] before 5th June 1989.

Marginal Citations
M105 *See* section 1(4) of the Act.

Conditions

F.2 Development is permitted by Class F subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

(a) all buildings, plant, machinery, structures and erections and deposits of minerals or waste permitted by Class F are removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) the land is, so far as is practicable, restored to its condition before the development took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer.

F.3—(1) Subject to sub-paragraphs (2) and (3), development is permitted by Class F subject to the prior approval of the mineral planning authority of detailed proposals for the siting, design and external appearance of any building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) is not required for any building, plant or machinery which does not exceed the limits set out in paragraph F.1(b), (c) or (d).

(3) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

(a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or

(b) the proposed development ought to be, and could reasonably be, sited elsewhere.

Class G – coal-mining development by the Coal Authority etc for maintenance or safety

Permitted development

G. ***The carrying out by the Coal Authority or a licensed operator of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.***

Conditions

G.1—(1) Subject to sub-paragraphs (2) and (3), development is permitted by Class G subject to the prior approval of the mineral planning authority [M106] of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) is not required if—

(a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;

(b) no building, plant or machinery, structure or erection—

(i) would exceed a height of 15 metres above ground level; or

(ii) where any building, plant, machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater, and

(c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in sub-paragraph (4).

(3) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

(a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or

(b) the proposed development ought to be, and could reasonably be, sited elsewhere.

(4) The limits referred to in paragraph G.1(2)(c) are—

(a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%; and

(b) that the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

Marginal Citations

M106 *See* section 1(4) of the Act.

Class H – waste tipping at a mine

Permitted development

H. ***The deposit, on premises used as a mine or on ancillary mining land already used for the purpose, of waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine, or from the treatment or the preparation for sale, consumption or utilization of minerals from the mine.***

Development not permitted

H.1 Development is not permitted by Class H if—

(a) in the case of waste deposited in an excavation, waste would be deposited at a height above the level of the land adjoining the excavation, unless that is provided for in a waste management scheme or a relevant scheme; or

(b) in any other case, the superficial area or height of the deposit (measured as at 21st October 1988) would be increased by more than 10%, unless such an increase is provided for in a waste management scheme or in a relevant scheme.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

(a) except in a case where a relevant scheme or a waste management scheme has already been approved by the mineral planning authority [M107], the developer must, if the mineral planning authority so require, within 3 months or such longer period as the authority may specify, submit a waste management scheme for that authority's approval; and

(b) where a waste management scheme or a relevant scheme has been approved, the depositing of waste and all other activities in relation to that deposit is carried out in accordance with the scheme as approved.

Marginal Citations

M107 *See* section 1(4) of the Act.

Interpretation of Class H

H.3 For the purposes of Class H—

"ancillary mining land" means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted

or deemed to be granted under Part 3 **[**[F441](control over development) or Part 13 (application of Act to Crown land) of the Act**]**; and

"waste management scheme" means a scheme required by the mineral planning authority to be submitted for their approval in accordance with the condition in paragraph H.2(a) which makes provision for—

(a) the manner in which the depositing of waste (other than waste deposited on a site for use for filling any mineral excavation in the mine or on ancillary mining land in order to comply with the terms of any planning permission granted on an application or deemed to be granted under Part 3 **[**[F442]or Part 13**]** of the Act) is to be carried out after the date of the approval of that scheme;

(b) where appropriate, the stripping and storage of the subsoil and topsoil;

(c) the restoration and aftercare of the site.

Textual Amendments

F441 Words in Sch. 2 Pt. 17 para. H.3 substituted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(b)(ii)(aa)**

F442 Words in Sch. 2 Pt. 17 para. H.3 inserted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(b)(ii)(bb)**

Class I – waste tipping from a mine on sites used since 1948

Permitted development

I. ***The deposit on land comprised in a site used for the deposit of waste materials or refuse on 1st July 1948 of waste resulting from coal-mining operations.***

Development not permitted

I.1 Development is not permitted by Class I unless it is in accordance with a relevant scheme approved by the mineral planning authority [M108] before 5th December 1988.

Marginal Citations

M108 *See* section 1(4) of the Act.

Interpretation of Class J

I.2 For the purposes of Class I, "coal-mining operations" has the same meaning as in section 65 of the Coal Industry Act 1994 (interpretation).

Class J – temporary use of land etc for mineral exploration

Permitted development

J. ***Development on any land during a period not exceeding 28 consecutive days consisting of–***

(a) ***the drilling of boreholes;***

(b) ***the carrying out of seismic surveys; or***

(c) ***the making of other excavations,***

for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.

Development not permitted

J.1 Development is not permitted by Class J if—

(a) it consists of the drilling of boreholes for petroleum exploration;

(b) any operation would be carried out within 50 metres of any part of an occupied residential building or a building occupied as a hospital or school;

[[F443](c) any operation would be carried out within a National Park, an area of outstanding national beauty, a site of archaeological interest, a site of special scientific interest or the Broads;**]**

(d) any explosive charge of more than 1 kilogram would be used;

(e) any excavation referred to in Class J(c) would exceed 10 metres in depth or 12 square metres in surface area;

(f) in the case described in Class J(c) more than 10 excavations would, as a result, be made within any area of 1 hectare within the land during any period of 24 months; or

(g) any structure assembled or provided would exceed **[**[F444]15**]** metres in height, or, where the structure would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height.

Textual Amendments

F443 Sch. 2 Pt. 17 Class J para. J.1(c) substituted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(a)(i)** (with art. 15(1))

F444 Word in Sch. 2 Pt. 17 Class J para. J.1(g) substituted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(a)(ii)**

Conditions

J.2 Development is permitted by Class J subject to the following conditions—

(a) no operations are carried out between 6.00pm and 7.00am;

(b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless the mineral planning authority [M109] have so agreed in writing;

(c) before any excavation (other than a borehole) is made, any topsoil and any subsoil is separately removed from the land to be excavated and stored separately from other excavated material and from each other;

(d) within a period of 28 days from the cessation of operations unless the mineral planning authority have agreed otherwise in writing—

(i) any structure permitted by Class J and any waste material arising from other development so permitted is removed from the land;

(ii) any borehole is adequately sealed;

(iii) any other excavation is filled with material from the site;

(iv) the surface of the land on which any operations have been carried out is levelled and any topsoil replaced as the uppermost layer, and

(v) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

Marginal Citations

M109 *See* section 1(4) of the Act.

[F445 Class JA – temporary use of land etc in respect of petroleum exploration

Textual Amendments

F445 Sch. 2 Pt. 17 Class JA and cross-heading inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(b)**

Permitted development

JA. ***Development on any land during a period not exceeding 28 consecutive days consisting of the drilling of boreholes for the purposes of—***

(a) ***carrying out groundwater monitoring;***

(b) ***carrying out seismic monitoring; or***

(c) ***locating and appraising the condition of mines,***

which is preparatory to potential petroleum exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those drilling, monitoring or locating and appraising operations.

Development not permitted

JA.1. Development is not permitted by Class JA if—

(a) any operation would be carried out within 50 metres of any part of an occupied residential building or a building occupied as a hospital or school;

(b) any operation would be carried out within a National Park, an area of outstanding natural beauty, a site of archaeological interest, a site of special scientific interest or the Broads;

(c) any explosive charge of more than 1 kilogram would be used;

(d) any structure assembled or provided would exceed 15 metres in height, or, where the structure would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height;

(e) in the case of boreholes for locating and appraising the condition of mines, the borehole exceeds 160 metres in depth; or

(f) drilling would be carried out within a protected groundwater source area.

Conditions

JA.2. Development is permitted by Class JA subject to the following conditions—

(a) no operations are carried out between 6.00pm and 7.00am;

(b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless the mineral planning authority have so agreed in writing;

(c) within a period of 28 days from the cessation of operations unless the mineral planning authority have agreed otherwise in writing—

(i) any structure permitted by Class JA and any waste material arising from other development so permitted is removed from the land;

(ii) any borehole is adequately sealed;

(iii) the surface of the land on which any operations have been carried out is levelled and any topsoil replaced as the uppermost layer, and

(iv) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting;

(d) the developer notifies the Environment Agency and the relevant drinking water supply undertaker in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification; and

(e) in the case of boreholes for locating and appraising the condition of mines, the developer notifies the Coal Authority in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification.

Interpretation of Class JA

JA.3.—(1) For the purposes of Class JA, "protected groundwater source area" means any land at a depth of less than 1,200 metres beneath a relevant surface area.

(2) In paragraph (1), "relevant surface area" means any land at the surface that is—

(a) within 50 metres of a point at the surface at which water is abstracted from underground strata and which is used to supply water for domestic or food production purposes, or

(b) within or above a zone defined by a 50-day travel time for groundwater to reach a groundwater abstraction point that is used to supply water for domestic or food production purposes.**]**

Class K – use of land etc for mineral exploration

Permitted development

K. ***Development on any land consisting of—***

(a) ***the drilling of boreholes;***

(b) ***the carrying out of seismic surveys; or***

(c) ***the making of other excavations,***

for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.

Development not permitted

K.1 Development is not permitted by Class K if—

(a) it consists of the drilling of boreholes for petroleum exploration;

(b) the developer has not previously notified the mineral planning authority [M110] in writing of its intention to carry out the development (specifying the nature and location of the development);

(c) the relevant period has not elapsed;

(d) any explosive charge of more than 2 kilograms would be used;

(e) any excavation referred to in Class K(c) would exceed 10 metres in depth or 12 square metres in surface area; or

(f) any structure assembled or provided would exceed **[**[F446]15**]** metres in height.

Textual Amendments

F446 Word in Sch. 2 Pt. 17 Class K para. K.1(f) substituted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(c)**

Marginal Citations

M110 *See* section 1(4) of the Act.

Conditions

K.2 Development is permitted by Class K subject to the following conditions—

(a) the development is carried out in accordance with the details in the notification referred to in paragraph K.1(b), unless the mineral planning authority have otherwise agreed in writing;

(b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless specified in detail in the notification referred to in paragraph K.1(b) or the mineral planning authority have otherwise agreed in writing;

(c) before any excavation other than a borehole is made, any topsoil and any subsoil is separately removed from the land to be excavated and stored separately from other excavated material and from each other;

(d) within a period of 28 days from operations ceasing, unless the mineral planning authority have agreed otherwise in writing—

(i) any structure permitted by Class K and any waste material arising from other development so permitted is removed from the land;

(ii) any borehole is adequately sealed;

(iii) any other excavation is filled with material from the site;

(iv) the surface of the land is levelled and any topsoil replaced as the uppermost layer, and

(v) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting, and

(e) the development ceases no later than a date 6 months after the elapse of the relevant period, unless the mineral planning authority have otherwise agreed in writing.

Interpretation of Class K

K.3 For the purposes of Class K, "relevant period" means the period elapsing—

(a) where a direction is not issued under article 5, 28 days after the notification referred to in paragraph K.1(b) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction, or

(b) where a direction is issued under article 5, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction.

[F447 Class KA – use of land etc in respect of petroleum exploration

Textual Amendments

F447 Sch. 2 Pt. 17 Class KA and cross-heading inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(d)**

Permitted development

KA. ***Development on any land consisting of the drilling of boreholes for the purposes of—***

(a) ***carrying out groundwater monitoring;***

(b) ***carrying out seismic monitoring; or***

(c) ***locating and appraising the condition of mines,***

which is preparatory to potential petroleum exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those drilling, monitoring, or locating and appraising operations.

Development not permitted

KA.1. Development is not permitted by Class KA if—

(a) the developer has not previously notified the mineral planning authority in writing of its intention to carry out the development (specifying the nature and location of the development);

(b) the relevant period has not elapsed;

(c) any explosive charge of more than 2 kilograms would be used;

(d) any structure assembled or provided would exceed 15 metres in height; or

(e) in the case of boreholes for locating and appraising the condition of mine operations, the borehole exceeds 160 metres in depth.

Conditions

KA.2. Development is permitted by Class KA subject to the following conditions—

(a) the development is carried out in accordance with the details in the notification referred to in paragraph KA.1(a), unless the mineral planning authority has otherwise agreed in writing;

(b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless specified in detail in the notification

referred to in paragraph KA.1(a) or the mineral planning authority has otherwise agreed in writing;

(c) within a period of 28 days from operations ceasing, unless the mineral planning authority has agreed otherwise in writing—

(i) any structure permitted by Class KA and any waste material arising from other development so permitted is removed from the land;

(ii) any borehole is adequately sealed;

(iii) the surface of the land is levelled and any topsoil replaced as the uppermost layer; and

(iv) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting;

(d) the developer notifies the Environment Agency and the relevant drinking water supply undertaker in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification;

(e) in the case of boreholes for locating and appraising the condition of mines, the developer notifies the Coal Authority in writing of its intention to carry out the development (specifying the nature and location of the development), and no development takes place until 28 days after that notification; and

(f) the development ceases no later than a date which is—

(i) in the case of development involving the drilling of boreholes for groundwater monitoring, 24 months; and

(ii) in other cases, 6 months,

after the elapse of the relevant period, unless the mineral planning authority has otherwise agreed in writing.

Interpretation of Class KA

KA.3. For the purposes of Class KA, "relevant period" means the period elapsing—

(a) where a direction is not issued under article 5, 28 days after the notification referred to in paragraph KA.1(a) or, if earlier, on the date on which the mineral planning authority notifies the developer in writing that it will not issue such a direction, or

(b) where a direction is issued under article 5, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notifies the developer that the Secretary of State has disallowed the direction.**]**

Class L – removal of material from a stockpile

Permitted development

L. ***The removal of material of any description from a stocpile.***

Class M - removal of material from mineral-working deposits

Permitted development

M. ***The removal of material of any description from a mineral-working deposit other than a stockpile.***

Development not permitted

M.1 Development is not permitted by Class M if—

(a) the developer has not previously notified the mineral planning authority [M111] in writing of its intention to carry out the development and supplied them with the appropriate details;

(b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains no mineral or other material which was deposited on the land more than 5 years before the development; or

(c) the deposit derives from the carrying out of any operations permitted under Class A, B or C of Part 6 (agricultural development) of this Schedule or any Class in a previous development order which it replaces.

Marginal Citations

M111 *See* section 1(4) of the Act.

Conditions

M.2 Development is permitted by Class M subject to the following conditions—

(a) it is carried out in accordance with the details given in the notice sent to the mineral planning authority referred to in paragraph M.1(a), unless that authority have agreed otherwise in writing;

(b) if the mineral planning authority so require, the developer must within a period of 3 months from the date of the requirement (or such other longer period as that authority may provide) submit to them for approval a scheme providing for the restoration and aftercare of the site;

(c) where such a scheme is required, the site is restored and aftercare is carried out in accordance with the provisions of the approved scheme; and

(d) development is not be commenced until the relevant period has elapsed.

Interpretation of Class M

M.3 For the purposes of Class M—

"appropriate details" means—

(a) the nature of the development;

(b) the exact location of the mineral-working deposit from which the material would be removed;

(c) the proposed means of vehicular access to the site at which the development is to be carried out, and

(d) the earliest date at which any mineral presently contained in the deposit was deposited on the land; and

"relevant period" means the period elapsing—

(a) where a direction is not issued under article 5, 28 days after the notification referred to in paragraph M.1(a) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction; or

(b) where a direction is issued under article 5, 28 days from the date on which notice of that direction is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction.

Interpretation of Part 17

N.1 For the purposes of Part 17—

"active access" means a surface access to underground workings which is in normal and regular use for the transportation of coal, materials, spoil or persons;

"ancillary mining land" means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part 3 **[**[F448](control over development) or Part 13 (application of Act to Crown land) of the Act**]**;

"coal-mining operations" has the same meaning as in section 65 of the Coal Industry Act 1994 (interpretation) and references to any development or use in connection with coal-mining operations include references to development or use for or in connection with activities carried on in association with, or for purposes connected with, the carrying on of those operations;

[[F449]"groundwater" has the same meaning as in regulation 2(1) of **[**[F450]the Environmental Permitting (England and Wales) Regulations 2016**]**;**]**

"licensed operator" has the same meaning as in section 65 of the Coal Industry Act 1994;

"mineral exploration" means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

"minerals" does not include any coal other than coal won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal or confined to the digging or carrying away of coal that it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal;

"normal and regular use" means use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery;

[[F451]"relevant drinking water supply undertaker" means any water undertaker in whose area of appointment development will take place and, in the case where the development is likely to affect water resources in the area of appointment of another water undertaker, that undertaker;**]**

"relevant scheme" means a scheme, other than a waste management scheme, requiring approval by the mineral planning authority in accordance with a condition or limitation on any planning permission granted or deemed to be granted under Part 3 **[**[F452](control over development) or Part 13 (application of Act to Crown land) of the Act**]**, for making provision for the manner in which the deposit of waste is to be carried out and for the carrying out of other activities in relation to that deposit;

"stockpile" means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale;

"structure" includes a building, plant or machinery; and

"underground mine" is a mine at which minerals are worked principally by underground methods.

Textual Amendments

F448 Words in Sch. 2 Pt. 17 para. N.1 substituted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(b)(iii)(aa)**

F449 Words in Sch. 2 Pt. 17 para. N.1 inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(e)(i)**

F450 Words in Sch. 2 Pt. 17 para. N.1 substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 Pt. 2 para. 86(b)** (with regs. 1(3), 77-79, Sch. 4)

F451 Words in Sch. 2 Pt. 17 para. N.1 inserted (6.4.2016) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (S.I. 2016/332), arts. 1, **14(e)(ii)**

F452 Words in Sch. 2 Pt. 17 para. N.1 substituted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(b)(iii)(bb)**

N.2—(1) An area of land is an approved site for the purposes of Class A and B of this Part if—

(a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted, as land which may be used for development described in this Part; or

(b) in any other case, it is land immediately adjoining an active access to an underground mine which, on 5th December 1988, was in use for the purposes of that mine, in connection with the purposes described in paragraph A.1(b)(i) or (ii) or paragraph B.1(b)(i) to (iii) of this Part.

(2) Subject to sub-paragraph (3), land is an authorised site for the purposes of Class D and F of this Part if—

(a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted as land which may be used for development described in this Part; or

(b) in any other case, it is land immediately adjoining an active access which, on 5th December 1988, was in use for the purposes of that mine in connection with coal-mining operations.

(3) For the purposes of sub-paragraph (2), land is not to be regarded as in use in connection with coal-mining operations if—

(a) it is used for the permanent deposit of waste derived from the winning and working of minerals; or

(b) there is on, over or under it a railway, conveyor, aerial ropeway, roadway, overhead power line or pipe-line which is not itself surrounded by other land used for those purposes.

PART 18

Miscellaneous development

Class A – development under local or private Acts or Order

Permitted development

A. ***Development authorised by—***

(a) ***a local or private Act of Parliament,***

(b) ***an order approved by both Houses of Parliament, or***

(c) ***an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)***[M112]***,***

Marginal Citations

M112 1964 c. 40. Relevant amendments are Schedules 6 and 12 to the Transport Act 1981 (c. 56), **section 46** of the Criminal Justice Act 1982 (c. 48), **Schedule 3** to the Transport and Works Act 1992 (c. 42), **Schedule 2** to the Planning Act 2008 (c. 29), **Schedule 21** to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Conditions

A.1 Development is not permitted by Class A if it consists of or includes—

(a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or

(b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

(a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or

(b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

Interpretation of Class A

A.3 For the purposes of Class A, "appropriate authority" means—

(a) in Greater London or a metropolitan county, the local planning authority;

(b) in a National Park, outside a metropolitan county, the county planning authority; and

(c) in any other case, the district planning authority [M113].

Marginal Citations

M113 See section 1(1) of the Act; which was amended by section 31 of the Greater London Authority Act 2007 (c. 24). There are other amendments not relevant to this Order.

Class B – development at amusement parks

Permitted development

B. ***Development on land used as an amusement park consisting of—***

(a) ***the erection of booths or stalls or the installation of plant or machinery to be used for or in connection with the entertainment of the public within the amusement park; or***

(b) ***the extension, alteration or replacement of any existing booths or stalls, plant or machinery so used.***

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the plant or machinery would—

(i) if the land or pier is within 3 kilometres of the perimeter of an aerodrome, exceed a height of 25 metres or the height of the highest existing structure (whichever is the lesser), or

(ii) in any other case, exceed a height of 25 metres;

(b) in the case of an extension to an existing building or structure, that building or structure would as a result exceed 5 metres above ground level or the height of the roof of the existing building or structure, whichever is the greater; or

(c) in any other case, the height of the building or structure erected, extended, altered or replaced would exceed 5 metres above ground level.

Interpretation of Class B

B.2 For the purposes of Class B—

"amusement park" means an enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side-shows; but, where part only of an enclosed area is commonly so used as a funfair or for such public entertainment, only the part so used is to be regarded as an amusement park; and

"booths or stalls" includes buildings or structures similar to booths or stalls.

PART 19

Development by the Crown or for national security purposes

Class A – general development by the Crown

Permitted development

A. ***The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—***

(a) ***any small ancillary building, works or equipment on Crown land required for operational purposes;***

(b) ***lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.***

Interpretation of Class A

A.1 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

Class B – extension or alteration of an operational Crown building

Permitted development

B. ***The extension or alteration by or on behalf of the Crown of an operational Crown building.***

Development not permitted

B.1 Development is not permitted by Class B if—

(a) the building as extended or altered is to be used for purposes other than those of—

(i) the Crown; or

(ii) the provision of employee facilities;

(b) the height of the building as extended or altered would exceed the height of the original building;

(c) the cubic content of the original building would be exceeded by more than—

(i) 10%, in respect of development on any article 2(3) land; or

(ii) 25%, in any other case;

(d) the floor space of the original building would be exceeded by more than—

(i) 500 square metres in respect of development on any article 2(3) land; or

(ii) 1,000 square metres in any other case;

(e) the external appearance of the original building would be materially affected;

(f) any part of the building as extended or altered would be within 5 metres of any boundary of the curtilage of the original building; or

(g) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Interpretation of Class B

B.2 For the purposes of Class B—

(a) the erection of any additional building within the curtilage of another building (whether by virtue of Class B or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;

(b) where 2 or more original buildings are within the same curtilage and are used for the same operational purposes, they are to be treated as a single original building in making any measurement; and

(c) "employee facilities" means social, care or recreational facilities provided for employees or servants of the Crown, including crèche facilities provided for the children of such employees or servants.

Class C – developments on operational Crown land

Permitted development

C. ***Development carried out by or on behalf of the Crown on operational Crown land for operational purposes consisting of—***

(a) ***the installation of additional or replacement plant or machinery;***

(b) ***the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or***

(c) ***the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.***

Development not permitted

C.1 Development described in Class C(a) is not permitted if—

(a) it would materially affect the external appearance of the premises; or

(b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class C

C.2 In Class C, "Crown land" does not include land in or adjacent to and occupied together with a mine.

Class D – hard surfaces for operational Crown buildings

Permitted development

D. ***The provision by or on behalf of the Crown of a hard surface within the curtilage of an operational Crown building.***

Class E – development on operational Crown land relating to an airbase

Permitted development

E. ***The carrying out on operational Crown land, by or on behalf of the Crown, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airbase.***

Development not permitted

E.1 Development is not permitted by Class E if it would consist of or include—

(a) the construction or extension of a runway;

(b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;

(c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 7th June 2006 or, if built after that date, of the building as built, would be exceeded by more than 15%;

(d) the erection of a building other than an operational building; or

(e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

E.2 Development is permitted by Class E subject to the condition that the relevant airbase operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph E.4.

Interpretation of Class E

E.3 For the purposes of paragraph E.1, floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

E.4 Development falls within this paragraph if—

(a) it is urgently required for the efficient running of the airbase; and

(b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

E.5 For the purposes of Class E, "operational building" means an operational Crown building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, military or civilian personnel, goods, military equipment, munitions and other items.

Class F – development on operational land within an airbase

Permitted development

F. ***The carrying out on operational land within the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.***

Class G – development on operational land outside an airbase

Permitted development

G. ***The carrying out on operational land outside but within 8 kilometres of the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.***

Development not permitted

G.1 Development is not permitted by Class G if—

(a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;

(b) any building erected would exceed a height of 4 metres; or

(c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

Class H – development on operational land by the Crown connected with air traffic services

Permitted development

H. ***The carrying out on operational land, by or on behalf of the Crown, of development in connection with the provision of air traffic services.***

Development not permitted

H.1 Development is not permitted by Class H if—

(a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;

(b) any building erected would exceed a height of 4 metres; or

(c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

Class I – emergency use of land by the Crown connected with air traffic services

Permitted development

I ***The use of land by or on behalf of the Crown in an emergency to station moveable apparatus replacing unserviceable apparatus in connection with the provision of air traffic services.***

Condition

I.1 Development is permitted by Class I subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class J – use of land etc by the Crown connected with air traffic services

Permitted development

J. ***The use of land by or on behalf of the Crown to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.***

Condition

J.1 Development is permitted by Class J subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, any structure is removed, and the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class K – use of land by the Crown in relation to surveys etc

Permitted development

K. ***The use of land by or on behalf of the Crown for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.***

Condition

K.1 Development is permitted by Class K subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, any apparatus is removed, and the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

Class L – use of buildings by the Crown on an airbase connected to air transport services etc

Permitted development

L. ***The use of buildings by or on behalf of the Crown within the perimeter of an airbase for purposes connected with air transport services or other flying activities at that airbase.***

Interpretation of Class L

L.1 For the purposes of Class L, "air transport services" has the same meaning as in section 82 of the Airports Act 1986 [M114].

Marginal Citations
M114 1986 c. 31.

Class M – development by the Crown on operational Crown land connected to rail

Permitted development

M. ***Development by or on behalf of the Crown on operational Crown land, required in connection with the movement of traffic by rail.***

Development not permitted

M.1 Development is not permitted by Class M if it consists of or includes—

(a) the construction of a railway;

(b) the construction or erection of a hotel, railway station or bridge; or

(c) the construction or erection otherwise than wholly within a railway station of an office, residential or educational building, car park, shop, restaurant, garage, petrol filling station or a building used for an industrial process.

Interpretation of Class M

M.2 For the purposes of Class M, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class N – development by the Crown on operational Crown land connected to shipping etc

Permitted development

N. ***Development by or on behalf of the Crown or its lessees on operational Crown land where the development is required—***

(a) ***for the purposes of shipping; or***

(b) ***at a dock, pier, pontoon or harbour in connection with the embarking, disembarking, loading, discharging or transport of military or civilian personnel, military equipment, munitions, or other items.***

Development not permitted

N.1 Development is not permitted by Class N if it consists of or includes the construction or erection of a bridge or other building not required in connection with the handling of traffic.

Interpretation of Class N

N.2 For the purposes of Class N, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

Class O – use of land by the Crown for spreading of dredged material

Permitted development

O. ***The use of any land by or on behalf of the Crown for the spreading of any dredged material resulting from a dock, pier, harbour, water transport, canal or inland navigation undertaking.***

Class P – development by the Crown on operational Crown land etc relating to aids to shipping

Permitted development

P. ***Development by or on behalf of the Crown on operational Crown land, or for operational purposes, consisting of—***

(a) ***the use of the land as a lighthouse, with all requisite works, roads and appurtenances;***

(b) ***the extension of, alteration, or removal of a lighthouse; or***

(c) ***the erection, placing, alteration or removal of a buoy or beacon.***

Development not permitted

P.1 Development is not permitted by Class P if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

Interpretation of Class P

P.2 For the purposes of Class P—

"buoy or beacon" includes all other marks and signs of the sea; and

"lighthouse" includes any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals.

Class Q – development by the Crown relating to an emergency

Permitted development

Q. ***Development by or on behalf of the Crown on Crown land for the purposes of—***

(a) ***preventing an emergency;***

(b) ***reducing, controlling or mitigating the effects of an emergency; or***

(c) ***taking other action in connection with an emergency.***

Conditions

Q.1 Development is permitted by Class Q subject to the following conditions—

(a) the developer must, as soon as practicable after commencing development, notify the local planning authority of that development; and

[[F453](b) on or before the expiry of the period of 12 months beginning with the date on which the development began—

(i) any use of that land for a purpose of Class Q ceases and any buildings, plant, machinery, structures and erections permitted by Class Q is removed; and

(ii) the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer,

unless permission for the development has been granted by virtue of any provision of this Schedule or on an application under Part 3 **[**[F454]or Part 13**]** of the Act.**]**

Textual Amendments

F453 Sch. 2 Pt. 19 Class Q para. Q.1(b) substituted (3.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(2), **9**

F454 Words in Sch. 2 Pt. 19 para. Q.1(b) inserted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(c)(i)**

Interpretation of Class Q

Q.2—(1) For the purposes of Class Q, "emergency" means an event or situation which threatens serious damage to—

(a) human welfare in a place in the United Kingdom;

(b) the environment of a place in the United Kingdom; or

(c) the security of the United Kingdom.

(2) For the purposes of sub-paragraph (1)(a), an event or situation threatens damage to human welfare only if it involves, causes or may cause—

(a) loss of human life;

(b) human illness or injury;

(c) homelessness;

(d) damage to property;

(e) disruption of a supply of money, food, water, energy or fuel;

(f) disruption of a system of communication;

(g) disruption of facilities for transport; or

(h) disruption of services relating to health.

(3) For the purposes of sub-paragraph (1)(b), an event or situation threatens damage to the environment only if it involves, causes or may cause—

(a) contamination of land, water or air with biological, chemical or radioactive matter; or

(b) disruption or destruction of plant life or animal life.

[F455 Class QA – development by the Crown relating to a pandemic

Textual Amendments

F455 Sch. 2 Pt. 19 Class QA inserted (3.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(2), **10**

Permitted development

QA. ***Development by or on behalf of the Crown on Crown land for the purposes of—***

(a) ***preventing a pandemic;***

(b) ***reducing, controlling or mitigating the effects of a pandemic; or***

(c) ***taking other action in connection with a pandemic.***

Conditions

QA.1 Development is permitted by Class QA subject to the following conditions—

(a) the developer must, as soon as practicable after commencing development, notify the local planning authority of that development; and

(b) on or before the expiry of the period of 12 months beginning with the date on which the development began—

(i) any use of that land for a purpose of Class QA ceases and any buildings, plant, machinery, structures and erections permitted by Class QA is removed; and

(ii) the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer,

unless permission for the development has been granted by virtue of any provision of this Schedule or on an application under Part 3 **[**F456 or Part 13**]** of the Act.

Textual Amendments

F456 Words in Sch. 2 Pt. 19 para. QA.1 inserted (1.5.2025) by The Town and Country Planning (Consequential and Miscellaneous Amendments) Regulations 2025 (S.I. 2025/412), regs. 1(1), **12(3)(c)(ii)**

Interpretation of Class QA

QA.2 For the purposes of Class QA—

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class Q of Part 19 of this Schedule;

"pandemic" means a public health emergency of international concern within the meaning given by the International Health Regulations (2005) of the World Health Organisation adopted by the fifty-eighth World Health Assembly on 23rd May 2005;

"World Health Assembly" has the meaning set out in the Constitution of the World Health Organisation adopted by the International Health Conference held in New York from the 19th June to 22nd July 1946 and signed on 22nd July 1946;

"World Health Organisation" means the specialised agency within the terms of Article 57 of the Charter of the United Nations, established by the Constitution of the World Health Organisation.**]**

Class R – erection etc of gates, fences etc by the Crown for national security purposes

Permitted development

R. ***The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.***

Development not permitted

R.1 Development is not permitted by Class R if the height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 4.5 metres above ground level.

Class S – closed circuit television cameras for national security purposes

Permitted development

S. ***The installation, alteration or replacement by or on behalf of the Crown on Crown land of a closed circuit television camera and associated lighting for national security purposes.***

Development not permitted

S.1 Development is not permitted by Class S if—

(a) the dimensions of the camera including its housing exceed 0.75 metres by 0.25 metres by 0.25 metres; or

(b) the uniform level of lighting provided exceeds 10 lux measured at ground level.

Conditions

S.2 Development is permitted by Class S subject to the following conditions—

(a) the camera is, so far as practicable, sited so as to minimise its effect on the external appearance of any building to which it is fixed; and

(b) the camera is removed as soon as reasonably practicable after it is no longer required for national security purposes.

Interpretation of Class S

S.3 For the purposes of Class S—

"camera", except in paragraph S.1(a), includes its housing, pan and tilt mechanism, infra-red illuminator, receiver, mountings and brackets; and

"ground level" means the level of the surface of the ground immediately adjacent to the building to which the camera is attached or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

Class T – electronic communication apparatus etc for national security purposes

Permitted development

T. ***Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land, consisting of—***

(a) ***the installation, alteration or replacement of any electronic communications apparatus;***

(b) ***the use of land in an emergency for a period not exceeding 6 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.***

Development not permitted

T.1 Development is not permitted by Class T(a) if—

(a) in the case of the installation of apparatus (other than on a building) 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 apparatus already installed (other than on a building), 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, alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the height of the existing apparatus or—

(i) 15 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height; or

(ii) 10 metres in any other case,

whichever is the greater;

(d) in the case of the installation, alteration or replacement of apparatus on a building, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than the height of the existing apparatus or—

(i) 10 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height;

(ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or

(iii) 6 metres in any other case,

whichever is the greater;

(e) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast and the apparatus supported by it would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs (a), (b), (c) and (d), and for the purposes of applying the limit specified in paragraph (c), the words "(taken by itself)" in that paragraph are disregarded;

(f) in the case of the installation, alteration or replacement of any apparatus other than—

(i) a mast;

(ii) an antenna;

(iii) any apparatus which does not project above the level of the surface of the ground; or

(iv) radio equipment housing,

the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;

(g) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—

(i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located, unless it is essential for operational purposes that the antenna is located in that position; or

(ii) in the case of dish antennas, the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;

(h) in the case of the installation, alteration or replacement of a dish antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;

(i) in the case of the installation of a mast, on a building which is less than 15 metres in height, such a mast would be within 20 metres of a highway, unless it is essential for operational purposes that the mast is installed in that position; or

(j) in the case of the installation, alteration or replacement of radio equipment housing—

(i) the development is not ancillary to the use of any other electronic communications apparatus; or

(ii) the development would exceed 90 cubic metres or, if located on the roof of a building, the development would exceed 30 cubic metres.

T.2 Development consisting of the installation of apparatus is not permitted by Class T(a) on article 2(3) land unless—

(a) the land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communication apparatus;

(b) the existing apparatus was installed on the site on or before the relevant day; and

(c) the site was Crown land on the relevant day.

T.3—(1) Subject to sub-paragraph (2), development is not permitted by Class T(a) if it will result in the installation of more than 1 item of apparatus ("the original apparatus") on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class T(a), for every 4 items of apparatus which existed on that site on the relevant day, 1 additional item of small apparatus may be installed.

(3) In sub-paragraph (2), "small apparatus" means—

(a) a dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;

(b) an antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;

(c) a hard standing or other base for any apparatus described in paragraphs (a) and (b), not exceeding 7 metres in diameter;

(d) a dish antenna on a building, not exceeding 1.3 metres in diameter and 3 metres in height;

(e) an antenna, other than a dish antenna, on a building, not exceeding 3 metres in height;

(f) a mast on a building, not exceeding 3 metres in height;

(g) equipment housing not exceeding 3 metres in height and of which the area, when measured at ground level, does not exceed 9 square metres.

Conditions

T.4—(1) Class T(a) and Class T(c) development is permitted subject to the condition that any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission is, so far as is practicable, sited so as to minimise its effect on the external appearance of the building.

(2) Class T(a) development consisting of the installation of any additional apparatus on article 2(3) land is permitted subject to the condition that the apparatus is installed as close as is reasonably practicable to any existing apparatus.

(3) Class T(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is, at the expiry of the relevant period, removed from the land and the land restored to its condition before the development took place.

(4) Class T development—

(a) on article 2(3) land or land which is, or is within, a site of special scientific interest; or

(b) on any other land and consisting of the construction, installation, alteration or replacement of a mast; or of an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 4 metres or more; or of radio equipment housing with a volume in excess of 2.5 cubic metres; or of development ancillary to radio equipment housing,

is permitted subject, except in case of emergency, to the conditions set out in T.5.

T.5—(1) The developer must, before commencing development, give notice of the proposed development to any person (other than the developer) who is an owner or tenant of the land to which the development relates—

(a) by serving the appropriate notice on every such person whose name and address is known to the developer; and

(b) where the developer has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(2) Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must, before commencing development, notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate.

Interpretation of Class T

T.6 For the purposes of Class T—

"aerodrome operator" means the person who is for the time being responsible for the management of the aerodrome;

"appropriate notice" means a notice signed and dated by or on behalf of the developer and containing—

(a) the name of the developer;

(b) the address or location of the proposed development;

(c) a description of the proposed development (including its siting and appearance and the height of any mast);

"development ancillary to radio equipment housing" means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing;

"mast" means a radio mast or a radio tower;

"owner" means any person who is the estate owner in respect of the fee simple, or who is entitled to a tenancy granted or extended for a term of years certain of which not less than 7 years remain unexpired;

"relevant day" means—

(a) 7th June 2006; or

(b) where apparatus is installed pursuant to planning permission granted on or after 7th June 2006, the date when that apparatus is finally installed pursuant to that permission,

whichever is later;

"relevant period" means a period which expires—

(a) 6 months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class T(a) or Class T(c) or from the commencement of the use permitted by Class T(b), as the case may be; or

(b) when the need for such apparatus, structure or use ceases,

whichever occurs first; and

"tenant" means the tenant of an agricultural holding any part of which is comprised in the land to which the proposed development relates.

[F457 Class TA – development by the Crown on a closed defence site

Textual Amendments

F457 Sch. 2 Pt. 19 Class TA inserted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **8**

Permitted development

TA. ***The erection, extension or alteration on a closed defence site by or on behalf of the Crown of—***

(a) ***single living accommodation;***

(b) ***a non-residential building.***

Development not permitted

TA.1.—(1) Development is not permitted by Class TA—

(a) within 15 metres of the closed defence site's perimeter ("the perimeter");

(b) within 25 metres of the perimeter where the development would be visible from a highway and—

(i) in the case of a building erected, the height of the building would exceed 10 metres;

(ii) in the case of a building extended or altered, the height of the building would exceed the lesser of—

(aa) the height of the existing building, or

(bb) 10 metres;

(c) at any other location if the height of—

(i) any building erected would exceed 12 metres;

(ii) any building extended or altered would exceed the lesser of—

(aa) the height of the existing building, or

(bb) 12 metres;

(d) on land which is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage.

(2) Development is not permitted by Class TA(a) if the total floor space of any buildings added to the closed defence site via erection or extension under Class TA(a) would exceed 25% of the total floor space of single living accommodation on the closed defence site immediately before 11th January 2022.

(3) Development is not permitted by Class TA(b) if the total floor space of any buildings added to the closed defence site via erection or extension under Class TA(b) would exceed 35% of the total floor space of non-residential buildings at the closed defence site immediately before 11th January 2022.

Conditions

TA.2.—(1) Development is permitted by Class TA subject to the conditions that before beginning development the developer must—

(a) assess the contamination and flood risks of the development,

(b) identify measures to reduce so far as practicable any contamination or flood risks of the development,

(c) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph TA.3, and

(d) in any event, provide written notification to the local planning authority—

(i) of the date on which it is proposed to begin development, and

(ii) including a description of the development containing sufficient information to enable the local authority to satisfy itself that the development complies with the provisions of Class TA.

(2) Development is permitted by Class TA subject to the condition that it is carried out in accordance with any measures identified under paragraph TA.2(1)(b) to reduce so far as practicable any contamination or flood risks.

(3) Where the total footprint of any buildings added to the closed defence site via erection or extension under Class TA exceeds (or would, as a result of the proposed development, exceed) 4,000 square metres, development is permitted by Class TA subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and scale of the development.

(4) The conditions in sub-paragraph (5) apply where proposed development relates to the erection or extension of a building which will be—

(a) visible from a highway,

(b) of height in excess of 10 metres, and

(c) either—

(i) single living accommodation which will be higher than the highest existing single living accommodation on the closed defence site, or

(ii) a non-residential building which will be higher than the highest existing non-residential building on the closed defence site.

(5) Proposed development described in sub-paragraph (4) is permitted by Class TA subject to the conditions that—

(a) the proposed development is sited and its external appearance designed so as to minimise so far as practicable its effect on the amenity of the area, and

(b) before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the external appearance of the building.

(6) An application under sub-paragraph (3) or (5)(b) is to be made and determined in accordance with paragraph TA.4.

Procedure for prior consultation under Class TA

TA.3.—(1) Where a developer is required to carry out prior consultation under paragraph TA.2(1)(c), the developer must consult the Environment Agency as to the flood risks of the proposed development.

(2) The developer must notify the Environment Agency specifying the date by which they must respond (not being less than 21 days from the date the notice is given) ("the closing date").

(3) The development must not begin—

(a) before the occurrence of one of the following—

(i) the receipt by the developer of responses to the consultation required by this paragraph, or

(ii) the day after the closing date.

(b) in any event, before the developer takes into account any representations received on or before the closing date as a result of consultation under this paragraph.

(4) Where the developer receives representations on or before the closing date as a result of consultation under this paragraph, the developer must as soon as reasonably practicable send to the local planning authority—

(a) a copy of the representations, and

(b) a statement explaining how the developer has taken the representations into account.

Procedure for applications for prior approval under Class TA

TA.4.—(1) The following provisions apply where a developer is required under paragraph TA.2(3) or (5)(b) to make an application for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development including a statement of any proposed increase in the total footprint of buildings on the closed defence site,

(b) where the proposed development relates to the erection or extension of—

(i) single living accommodation, a statement showing the total floor space of single living accommodation—

(aa) on the closed defence site immediately before 11th January 2022,

(bb) already added to the closed defence site via development under Class TA(a), and

(cc) to be added to the closed defence site via the proposed development;

(ii) a non-residential building, a statement showing the total floor space of non-residential buildings—

(aa) on the closed defence site immediately before 11th January 2022,

(bb) already added to the closed defence site via development under Class TA(b), and

(cc) to be added to the closed defence site via the proposed development;

(c) a plan indicating the closed defence site and showing the proposed development,

(d) drawings prepared to an identified scale and showing—

(i) in the case of a building to be erected, the proposed external dimensions and elevations of that building;

(ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration,

(e) the developer's contact address and, if they are content to receive communications electronically, the developer's email address, and

(f) any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has, following a requirement imposed under paragraph TA.4(6), provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class TA applicable to the development in question.

(4) Sub-paragraphs (5) and (7) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development,

(ii) provides the address of the proposed development, and

(iii) specifies the date by which representations are to be received by the local planning authority (not being less than 21 days from the date the notice is displayed), or

(b) by serving a notice in that form on any owner or occupier of any premises which adjoin the closed defence site.

(6) The local planning authority may require the developer to submit such information as the authority may reasonably require to determine the application.

(7) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5), and

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(8) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval;

(c) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(9) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (8)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(10) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the approval.

(11) When computing the number of days in sub-paragraph (5)(a), any day which is a public holiday must be disregarded.

Interpretation of Class TA

TA.5. For the purposes of Class TA—

"closed defence site" means a site which is—

(a) on Crown land,

(b) used exclusively for defence purposes, and

(c) surrounded by a closed perimeter;

"footprint", in relation to a building, means the total area of ground covered by it;

"non-residential building" means a building which is used exclusively for defence purposes other than as—

(a) single living accommodation, or

(b) a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order;

"single living accommodation" means a building used for the purpose of providing living accommodation for single or unaccompanied persons.**]**

Interpretation of Part 19

U. For the purposes of Part 19—

"airbase" means the aggregate of the land, buildings and works comprised in a Government aerodrome within the meaning of **[**[F458]paragraph 1 of Schedule 1 to the Air Navigation Order 2016**]**; and

"air traffic services" has the same meaning as in section 98 of the Transport Act 2000 (air traffic services) [M115].

Textual Amendments

F458 Words in Sch. 2 Pt. 19 para. U substituted (25.8.2016) by The Air Navigation Order 2016 (S.I. 2016/765), art. 1, **Sch. 14 para. 8(b)** (with arts. 17-23, 274(2)-(4))

Marginal Citations

M115 2000 c. 38.

[[F459]**PART 20**

Construction of New Dwellinghouses

Textual Amendments

F459 Sch. 2 Pt. 20 inserted (1.8.2020) by The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (S.I. 2020/632), regs. 1(2), **22**

[[F460]*Class ZA - Demolition of buildings and construction of new dwellinghouses in their place*

Textual Amendments

F460 Sch. 2 Pt. 20 Class ZA inserted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **4(2)**

Permitted Development

ZA.—(1) Development consisting of works for the demolition of one or other of—

(a) any building comprising a single purpose-built detached block of flats, and

(b) any other single detached building, comprising premises established—

(i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,

(ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or

(iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,

or for any combination of them,

existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

(2) The building in question is to comprise one or other of—

(a) a purpose-built detached block of flats, or

(b) a purpose-built detached dwellinghouse.

(3) The operations in question are—

(a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;

(b) works for the removal of plant servicing the old building;

(c) works for the disconnection of services from the old building;

(d) works for the removal of any means of access to and egress from the old building;

(e) works for the removal of storage and waste from the old building;

(f) works for the installation of plant to service the new building;

(g) works for the installation of services to be connected to the new building;

(h) works to enable access to and egress from the new building, including means of escape from fire;

(i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;

(j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—

(i) starting with their installation no earlier than one month before the beginning of those operations, and

(ii) ending with their removal no later than one month after the completion of those operations.

(4) In relation to Class ZA—

"development" includes any change of use from the use of the old building to the use of the new building within Class C3 of the Schedule to the 1987 Order;

"the 1987 Order" means the Use Classes Order as in force on 12 March 2020;

"the old building" and "the new building" respectively mean the building proposed for demolition and the building proposed as replacement; and

"services" means water, drainage, electricity, gas, and other services to the extent reasonably necessary for the new building to function as the building in question as defined by sub-paragraph (2) above.

Development not permitted

ZA1. Development is not permitted by Class ZA—

(a) if land covered by, or within the curtilage of, the old building—

(i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(ii) is or forms part of article 2(3) land;

(iii) is or forms part of a site of special scientific interest;

(iv) is or forms part of a listed building or land within its curtilage;

(v) is or forms part of a scheduled monument or land within its curtilage;

(vi) is or forms part of a safety hazard area;

(vii) is or forms part of a military explosives storage area; or

(viii) is within 3 kilometres of the perimeter of an aerodrome;

(b) if the old building was constructed after 31 December 1989;

(c) if the footprint of the old building exceeds 1,000 square metres;

(d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;

(e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;

(f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);

(g) if the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);

(h) if any of the footprint of the new building falls outside the footprint of the old building;

(i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;

(j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—

(i) 7 metres above the height (not including plant) of old building; or

(ii) 18 metres,

above ground level;

(k) if the new building has more than X + 2 storeys, where "X" is the number of storeys in the old building;

(l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—

(i) the floor to ceiling height, measured internally, of any storey in the old building; or

(ii) 3 metres; or

(m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

Conditions

ZA.2.—(1) Development under Class ZA is permitted subject to the following conditions.

(2) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) contamination risks in relation to the new building;

(c) flooding risks in relation to the new building;

(d) the design of the new building;

(e) the external appearance of the new building;

(f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;

(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;

(j) the impact of the development on heritage and archaeology;

(k) the method of demolition of the old building;

(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and

(m) any—

(i) air traffic and defence asset impacts of the development, and

(ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State,

unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

(3) In sub-paragraph (1)(h), "commercial premises" means any premises in the surrounding area which are normally used for the purpose of any commercial or industrial undertaking which existed on the date of the application under sub-paragraph (2), and includes premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(4) When the developer applies under sub-paragraph (2), paragraph B (procedure for applications for prior approval under Part 20) applies to the application and the material covered by paragraph B(1A) to B(1C).

(5) Any development under Class ZA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(6) Any development under Class ZA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which is acceptable to the authority and sets out the method of demolition, the proposed development hours of operation and how any adverse impact of noise, dust and vibration and traffic on occupiers of the new building and adjoining owners or occupiers will be mitigated, the proposed use of materials, and the plans for the disposal

and recycling of waste generated by the development and that in carrying out the development the developer must comply with the report.

(7) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(8) The notification referred to in sub-paragraph (6) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development; and

(c) the date of completion.

(9) Any new dwellinghouse created under Class ZA is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the 1987 Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.**]**

Class A - New dwellinghouses on detached blocks of flats

Permitted development

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe **[**[F461]access to and egress from**]** the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Textual Amendments

F461 Words in Sch. 2 Pt. 20 Class A para. A(c) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(2)(a)**

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, **[**[F462]MA,**]** N, O, P, PA or Q of Part 3 of this Schedule;

(b) above ground level, the building is less than 3 storeys in height;

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

(d) the additional storeys are constructed other than on the principal part of the building;

[[F463](e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;**]**

(f) the new dwellinghouses are not flats;

[[F464](g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);**]**

[[F465](h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;**]**

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

(k) in the case of Class A.(b) development there is no existing plant on the building;

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the **[**[F466]extended building**]** would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

(n) development under Class A.(d) would—

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

(o) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F462 Word in Sch. 2 Pt. 20 Class A para. A.1(a) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **12(1)(a)** (with art. 15(3))

F463 Sch. 2 Pt. 20 Class A para. A.1(e) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(2)(b)(i)**

F464 Sch. 2 Pt. 20 Class A para. A.1(g) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(2)(b)(ii)**

F465 Sch. 2 Pt. 20 Class A para. A.1(h) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(2)(b)(iii)**

F466 Words in Sch. 2 Pt. 20 Class A para. A.1(l) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(2)(b)(iv)**

Conditions

A.2. —

(1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building;

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; [F467]...

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, [F468]...

[F469]**[** (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,**][**[F470]; and

(j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building**]**

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(3) Any development under Class A is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development; and

(c) the date of completion.

(6) Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Textual Amendments

F467 Word in Sch. 2 Pt. 20 Class A para. A.2(1)(g) omitted (30.12.2020) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459), arts. 1(2), **2(2)(a)** (with art. 3)

F468 Word in Sch. 2 Pt. 20 Class A para. A.2(1)(h) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(2)(a)** (with Sch.)

F469 Sch. 2 Pt. 20 Class A para. A.2(1)(i) and word inserted (30.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459), arts. 1(2), **2(2)(b)** (with art. 3)

F470 Sch. 2 Pt. 20 Class A para. A.2(1)(j) and word inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(2)(b)** (with Sch.)

Procedure for applications for prior approval under Part 20

B. —

(1) The following provisions apply where under this Part, a developer is required to make an application to a local planning authority for prior approval.

[

F471(1A) The application, if made in relation to development proposed under Class ZA, must be accompanied by—

(a) a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed under paragraph ZA(3);

(b) a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;

(c) drawings prepared to an identified scale and showing external dimensions and elevations of—

(i) the building proposed for demolition,

(ii) the building scheduled as replacement,

and, in the direction of North, the positioning of each, together with the applicable information called for by sub-paragraph (1B);

(d) a written statement specifying—

(i) the number of dwellinghouses in the building proposed for demolition, and

(ii) the number of new dwellinghouses proposed in the building proposed as replacement,

(e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(f) a written statement in respect of heritage and archaeological considerations of the development;

(g) the developer's contact address; and

(h) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(1B) The information referred to in sub-paragraph (1A)(c), which so far as practicable, is to be presented in the direction of North and to show elevations is—

(a) where the building proposed as replacement is a block of flats—

(i) the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it, and

(ii) the dimensions and use of all habitable and other rooms in each dwellinghouse in it;

(b) where the building proposed as replacement is a single dwellinghouse—

(i) the position and dimensions of the windows, doors and walls in it, and

(ii) the dimensions and use of all habitable and other rooms in it.

(1C) Sub-paragraph (2) does not apply to any application made in relation to development proposed under Class ZA.**]**

(2) The application must be accompanied by—

(a) a written description of the proposed development, which, in relation to development proposed under **[**[F472]any of Classes A to AD**]**, must include details of any dwellinghouse and other works proposed under **[**[F473]paragraph A(a) to (d), AA(1)(a) to (d), AB(3)(a) to (d), AC(2)(a) to (c), or AD(2)(a) to (c) (as the case may be)**]**;

(b) a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development;

(c) floor plans which are drawn to an identified scale and show the direction of North indicating **[**[F474]the total floor space in square metres of each dwellinghouse,**]** the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building;

(d) a written statement specifying the number of new dwellinghouses proposed by the development **[**[F475](that is, additional to any dwellinghouses in the existing building)**]**;

(e) a list of all addresses of **[**[F476]any flats and any other premises in the existing building**]**;

(f) the developer's contact address;

(g) the developer's email address if the developer is content to receive communications electronically; [F477]...

[[F478](h) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development;**][**[F479], and

(i) where the application for prior approval relates to the requirement mentioned in paragraph A.2(1)(i) or AA.2(1)(k), a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010,**]**

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (10) and (12) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

[

[F480](6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.**]**

(7) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

(8) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

(9) Where the application relates to prior approval as to natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

[

[F481](9A) Where the application relates to prior approval under paragraph A.2(1)(i) or AA.2(1)(k), the local planning authority must refuse prior approval if the application is not accompanied by the report mentioned in subparagraph (2)(i) above.**]**

(10) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning

authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

[
[F482](10A) Where the application relates to a prior approval as to the impact of the development on heritage and archaeology, the local planning authority must so far as they consider reasonably practicable consult any bodies that they consider to have heritage and archaeological expertise relevant to their functions under Part 3 of the Act and this Order.**]**

(11) The local planning authority must notify the consultees referred to in sub-paragraphs (5), (6), **[**[F483](6A)**][**[F484](7), (10) and (10A)**]** specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(12) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development; and

(iii) specifies the date by which representations are to be received by the local planning authority;

(b) **[**[F485]unless the proposed development falls within Class ZA,**]** by serving a notice in that form on all owners and occupiers of **[**[F486]any flats and any other premises within the existing building**]**; and

(c) by serving a notice in that form on any adjoining owner or occupier.

(13) When computing the number of days in sub-paragraphs (11) and (12)(a), any day which is a public holiday must be disregarded.

(14) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks;

(b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F487]July 2021**]**; or

(c) details of proposed building or other operations.

(15) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraph (5), (6), (7) or (10) and any notice given under sub-paragraph (12);

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in **[**[F488]July 2021**]**, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site—

(i) determine whether, as a result of the proposed development, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(16) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(17) The development must be carried out in accordance with the details approved by the local planning authority.

(18) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Textual Amendments

F471 Sch. 2 Pt. 20 para. B(1A)-(1C) inserted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **5(2)**

F472 Words in Sch. 2 Pt. 20 para. B(2)(a) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(4)(a)(i)**

F473 Words in Sch. 2 Pt. 20 para. B(2)(a) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(4)(a)(ii)**

F474 Words in Sch. 2 Pt. 20 para. B(2)(c) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **12(3)** (with art. 15(2)(b)(3))

F475 Words in Sch. 2 Pt. 20 para. B(2)(d) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(4)(b)**

F476 Words in Sch. 2 Pt. 20 para. B(2)(e) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(4)(c)**

F477 Word in Sch. 2 Pt. 20 para. B(2)(g) omitted (30.12.2020) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459), arts. 1(2), **2(4)(a)(i)** (with art. 3)

F478 Sch. 2 Pt. 20 Class A para. B(2)(h) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(3)(a)** (with Sch.)

F479 Sch. 2 Pt. 20 para. B(2)(i) and word inserted (30.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459), arts. 1(2), **2(4)(a)(ii)** (with art. 3)

F480 Sch. 2 Pt. 20 Class A para. B(6A) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(3)(b)** (with Sch.)

F481 Sch. 2 Pt. 20 para. B(9A) inserted (30.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459), arts. 1(2), **2(4)(b)** (with art. 3)

F482 Sch. 2 Pt. 20 para. B(10A) inserted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **5(3)**

F483 Word in Sch. 2 Pt. 20 Class A para. B(11) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(3)(c)** (with Sch.)

F484 Words in Sch. 2 Pt. 20 para. B(11) substituted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **5(4)**

F485 Words in Sch. 2 Pt. 20 para. B(12)(b) inserted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **5(5)**

F486 Words in Sch. 2 Pt. 20 para. B(12)(b) substituted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(4)(d)**

F487 Words in Sch. 2 Pt. 20 Class A para. B(14)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(e)(i)**

F488 Words in Sch. 2 Pt. 20 Class A para. B(15)(b) substituted (11.1.2022) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 (S.I. 2021/1464), arts. 1(2)(c), **3(1)(e)(ii)**

Interpretation of Part 20

C.—[

[F489](1)**]** For the purposes of Part 20—

[[F490]"agricultural tenancy" means a tenancy under—

(a) the Agricultural Holdings Act 1986; or

(b) the Agricultural Tenancies Act 1995;**]**

"block of flats" means a building which is divided horizontally and consists of separate and self-contained premises constructed for use for the purposes of a dwellinghouse, and any ancillary facilities constructed solely for use by occupiers of the building;

"defence asset" is a site identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect;

"detached" means that the building does not share a party wall with a neighbouring building;

"flat" means a separate and self-contained premises constructed for use for the purposes of a dwellinghouse;

[[F491]"footprint", in relation to a building, means the total area of ground covered by it;**]**

"habitable rooms" means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

"principal part" means the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition;

[[F492]"purpose-built", in relation to a building (whether a block of flats or a dwellinghouse), means built as such and remaining as such;**]**[F493]...

[[F494]"row", in relation to a terrace building, means the row of two or more terrace buildings of which it forms part, where each building in the row—

(a) shares a party wall with, or has a main wall adjoining the main wall of, the building on either side; or

(b) if it is the end of a row—

(i) in the case of a row comprising more than two buildings, it shares a party wall with, or has a main wall adjoining the main wall of, a building which fulfils the requirements of paragraph (a); or

(ii) in the case of a row comprising only two buildings, it shares a party wall with, or has a main wall adjoining the main wall of, the other building in the row;**]**

"technical sites" has the same meaning as in [F495]... the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002.

[[F496]"terrace building" means a building which is not detached.**]**

(a) any storey below ground level; or

(b) any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration,

and accordingly, references to an "additional storey" include a storey constructed in reliance on the permission granted by this Part which replaces accommodation within the roof of the existing building.

[

[F497](2) In Part 20 references to a "storey" do not include—

(a) any storey below ground level; or

(b) any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration,

and accordingly, references to an "additional storey" include a storey constructed in reliance on the permission granted by this Part which replaces accommodation within the roof of the existing building.**]**

[

[F498](3) In Part 20, development meets the fire risk condition if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.**]]**

Textual Amendments

F489 Sch. 2 Pt. 20 para. C renumbered as Sch. 2 Pt. 20 para. C(1) (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(5)(e)**

F490 Words in Sch. 2 Pt. 20 para. C(1) inserted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **6(a)**

F491 Words in Sch. 2 Pt. 20 para. C(1) inserted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **6(b)**

F492 Words in Sch. 2 Pt. 20 para. C(1) substituted (31.8.2020 at 10.00.a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (S.I. 2020/756), arts. 1(2), **6(c)**

F493 Word in Sch. 2 Pt. 20 para. C(1) omitted (31.8.2020 at 9.00 a.m.) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(5)(a)**

F494 Words in Sch. 2 Pt. 20 para. C(1) inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(5)(b)**

F495 Words in Sch. 2 Pt. 20 para. C(1) omitted (31.8.2020 at 9.00 a.m.) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(5)(c)**

F496 Words in Sch. 2 Pt. 20 para. C(1) inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(5)(d)**

F497 Sch. 2 Pt. 20 para. C(2) inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(5)(e)**

F498 Sch. 2 Pt. 20 Class A para. C(3) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(4)** (with Sch.)

[F499 Class AA - new dwellinghouses on detached buildings in commercial or mixed use

Textual Amendments

F499 Sch. 2 Pt. 20 Classes AA-AD inserted (31.8.2020 at 9.00 a.m.) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 (S.I. 2020/755), arts. 1, **4(3)**

Permitted development

AA.—(1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which sub-paragraph (2) applies, together with any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

(2) This sub-paragraph applies to a building which is—

(a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to **[**F500 the 1987 Order**]**, or as a betting office, pay day loan shop or launderette;

(b) in a mixed use combining—

(i) two or more uses within paragraph (a); or

(ii) a use falling within Class C3 (dwellinghouses) of the Schedule to **[**F501 the 1987 Order**]**, together with one or more uses within paragraph (a).

[F502 (3) In relation to Class AA, "the 1987 Order" means the Use Classes Order as in force on 5th March 2018.**]**

Textual Amendments

F500 Words in Sch. 2 Pt. 20 Class AA para. AA(2)(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(5)(a)(i)** (with Sch.)

F501 Words in Sch. 2 Pt. 20 Class AA para. AA(2)(b)(ii) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(5)(a)(ii)** (with Sch.)

F502 Sch. 2 Pt. 20 Class AA para. AA(3) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(5)(b)** (with Sch.)

Development not permitted

AA.1. Development is not permitted by Class AA if—

F503 **[** (za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;**]**

(a) above ground level, the building is less than three storeys in height;

(b) the building was constructed before 1st July 1948 or after 5th March 2018;

(c) on 5th March 2018 the building was in a use other than—

(i) a use or mixed use within paragraph AA(2)(a) or (b); or

(ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

(d) the additional storeys are constructed other than on the principal part of the building;

(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

(f) the new dwellinghouses are not flats;

(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

(i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

(k) in the case of Class AA(1)(b) development there is no existing plant on the building;

(l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended

building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;

(n) development under Class AA(1)(d) would—

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or

(o) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F503 Sch. 2 Pt. 20 Class AA para. AA.1(za) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **12(1)(b)**(2)(a) (with art. 15(3))

Conditions

AA.2.—(1) Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building, including—

(i) the design and architectural features of—

(aa) the principal elevation; and

(bb) any side elevation that fronts a highway; and

(ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;

(j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State, [F504]...

[[F505](k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,**][**[F506]; and

(l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building**]**

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), "commercial premises" means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(3) Any development under Class AA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development; and

(c) the date of completion.

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Textual Amendments

F504 Word in Sch. 2 Pt. 20 Class AA para. AA.2(1)(j) omitted (1.8.2021) by virtue of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(5)(c)(i)** (with Sch.)

F505 Sch. 2 Pt. 20 Class AA para. AA.2(1)(k) and word inserted (30.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459), arts. 1(2), **2(3)** (with art. 3)

F506 Sch. 2 Pt. 20 Class AA.2 para. AA.2(l) and word inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(5)(c)(ii)** (with Sch.)

Class AB - new dwellinghouses on terrace buildings in commercial or mixed use

Permitted development

AB.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building to which sub-paragraph(2) applies, where that development comprises—

(a) up to two additional storeys, in the case of an existing building consisting of two or more storeys;

(b) one additional storey, in the case of an existing building consisting of one storey,

together with any development under sub-paragraph (3).

(2) This sub-paragraph applies to a building which is—

(a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to **[**[F507]the 1987 Order**]**, or as a betting office, pay day loan shop or launderette;

(b) in a mixed use combining—

(i) two or more uses within paragraph (a); or

(ii) a use falling within Class C3 (dwellinghouses) of the Schedule to **[**[F508]the 1987 Order**]**, together with one or more uses within paragraph (a).

(3) Development consisting of any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

[
[F509](4) In relation to Class AB, "the 1987 Order" means the Use Classes Order as in force on 5th March 2018.**]**

Textual Amendments

F507 Words in Sch. 2 Pt. 20 Class AB para. AB(2)(a) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(6)(a)(i)** (with Sch.)

F508 Words in Sch. 2 Pt. 20 Class AB para. AB(2)(b)(ii) substituted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(6)(a)(ii)** (with Sch.)

F509 Sch. 2 Pt. 20 Class AB para. AB(4) inserted (1.8.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021 (S.I. 2021/814), arts. 1(1), **9(6)(b)** (with Sch.)

Development not permitted

AB.1. Development is not permitted by Class AB if—

F510 **[** (za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;**]**

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

(b) on 5th March 2018 the building was in a use other than—

(i) a use or mixed use within paragraph AB(2)(a) or (b); or

(ii) a use falling within Class C3 of the Schedule to the Use Classes Order;

(c) the additional storeys are constructed other than on the principal part of the building;

(d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

(e) the new dwellinghouses are not flats;

(f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;

(g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—

(i) 3.5 metres, where the existing building consists of one storey; or

(ii) 7 metres, where the existing building consists of more than one storey;

(i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;

(j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

(l) in the case of Class AB(3)(b) development there is no existing plant on the building;

(m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

(n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building;

(o) development under Class AB(3)(d) would—

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or

(p) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F510 Sch. 2 Pt. 20 Class AB para. AB.1(za) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **12(1)(b)**(2)(b) (with art. 15(3))

Conditions

AB.2.—(1) Where any development under Class AB is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building, including—

(i) the design and architectural features of —

(aa) the principal elevation; and

(bb) any side elevation that fronts a highway; and

(ii) the impact of any works under paragraph AB(3)(c) or (d);

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;

(j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), "commercial premises" means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment..

(3) Any development under Class AB is permitted subject to the condition that the development must not include a window in any wall or roof slope forming a side elevation of the building.

(4) Any development under Class AB is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(5) Any development under Class AB is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(6) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(7) The notification referred to in sub-paragraph (6) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development; and

(c) the date of completion.

(8) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Class AC - new dwellinghouses on terrace buildings in use as dwellinghouses

Permitted development

AC.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

(a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;

(b) one additional storey, in the case of an existing dwellinghouse consisting of one storey,

together with any development under sub-paragraph (2).

(2) Development consisting of any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

AC.1. Development is not permitted by Class AC if—

[F511(za) **[** the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;**]**

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

(b) on 5th March 2018 the building was in a use other than—

(i) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(ii) a use or mixed use within paragraph AA(2)(a) or (b) of this Part;

(c) the additional storeys are constructed other than on the principal part of the dwellinghouse;

(d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

(e) the new dwellinghouses are not flats;

(f) the height of the highest part of the roof of the extended building would be greater than 18 metres;

(g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part;

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

(i) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on permission granted under Class AA of Part 1 or otherwise;

(j) development under Class AC(2)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(k) development under Class AC(2)(a) would consist of engineering operations other than works within the existing curtilage of the dwellinghouse to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

(l) development under Class AC(2)(b) would extend beyond the curtilage of the existing dwellinghouse;

(m) development under Class AC(2)(c) would—

(i) extend beyond the curtilage of the existing dwellinghouse;

(ii) be situated on land forward of a wall forming the principal elevation of the existing dwellinghouse; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing dwellinghouse; or

(n) the land or site on which the dwellinghouse is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F511 Sch. 2 Pt. 20 Class AC para. AC.1(za) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **12(1)(b)**(2)(c) (with art. 15(3))

Conditions

AC.2.—(1) Where any development under Class AC is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building, including—

(i) the design and architectural features of—

(aa) the principal elevation; and

(bb) any side elevation that fronts a highway; and

(ii) the impact of any works under paragraph AC(2)(b) or (c);

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;

(h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class AC is permitted subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and

(c) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.

(3) Any development under Class AC is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AC is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development; and

(c) the date of completion.

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Class AD - new dwellinghouses on detached buildings in use as dwellinghouses

Permitted development

AD.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a detached building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

(a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;

(b) one additional storey, in the case of an existing dwellinghouse consisting of one storey,

together with any development under sub-paragraph (2).

(2) Development consisting of any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

AD.1. Development is not permitted by Class AD if—

F512 **[** (za) the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule;**]**

(a) the building was constructed before 1st July 1948 or after 5th March 2018;

(b) on 5th March 2018 the building was in a use other than—

(i) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(ii) a use or mixed use within paragraph AA(2)(a) or (b) of this Part;

(c) the additional storeys are constructed other than on the principal part of the dwellinghouse;

(d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;

(f) the new dwellinghouses are not flats;

(g) the height of the highest part of the roof of the extended building would be greater than 18 metres;

(h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—

(i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

(ii) 7 metres, where the existing dwellinghouse consists of more than one storey;

(i) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under Class AA of Part 1, or otherwise;

(j) development under Class AD(2)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

(k) development under Class AD(2)(a) would consist of engineering operations other than works within the existing curtilage of the dwellinghouse to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

(l) development under Class AD(2)(b) would extend beyond the curtilage of the existing dwellinghouse;

(m) development under Class AD(2)(c) would—

(i) extend beyond the curtilage of the existing dwellinghouse;

(ii) be situated on land forward of a wall forming the principal elevation of the existing dwellinghouse; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing dwellinghouse; or

(n) the land or site on which the dwellinghouse is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F512 Sch. 2 Pt. 20 Class AD para. AD.1(za) inserted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **12(1)(b)**(2)(d) (with art. 15(3))

Conditions

AD.2.—(1) Where any development under Class AD is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

(a) transport and highways impacts of the development;

(b) air traffic and defence asset impacts of the development;

(c) contamination risks in relation to the building;

(d) flooding risks in relation to the building;

(e) the external appearance of the building, including—

(i) the design and architectural features of —

(aa) the principal elevation; and

(bb) any side elevation that fronts a highway; and

(ii) including the impact of any works under paragraph AD(2)(b) or (c);

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

(g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;

(h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class AD is permitted subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

(b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and

(c) the development must not include a window in any wall or roof slope forming a side elevation of the building.

(3) Any development under Class AD is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—

(a) the name of the developer;

(b) the address or location of the development; and

(c) the date of completion.

(6) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for

no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.**]**

SCHEDULE 3 Article 4

Procedures for Article 4 directions

Procedure for article 4(1) directions without immediate effect

1.—(1) Subject to paragraph 2, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—

(a) by local advertisement;

(b) by site display at no fewer than 2 locations within the area to which the direction relates, or, if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates, for a period of not less than 6 weeks; and

(c) subject to sub-paragraph (2), by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.

(2) In a case where this paragraph applies, the local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—

(a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person or

(b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable.

(3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in sub-paragraph (1) must—

(a) include a description of the development and the area to which the direction relates, or the site to which it relates, as the case may be, and a statement of the effect of the direction;

(b) specify that the direction is made under article 4(1) of this Order;

(c) name a place where a copy of the direction, and a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, may be seen at all reasonable hours;

(d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority; and

(e) specify the date on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than 2 years after the date referred to in paragraph (d).

(5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period referred to in sub-paragraph (4)(d) has elapsed, the authority is treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, including, if need be, its replacement.

(6) The local planning authority must send a copy of the direction and the notice under sub-paragraph (1), including a copy of a map defining the area to which it relates, or the site to which it relates, as the case may be, to the Secretary of State on the same day that notice of the direction is first published or displayed in accordance with sub-paragraph (1).

(7) The direction comes into force in respect of any part of the land within the area to which it relates on the date specified in accordance with sub-paragraph (4)(e) but does not come into force unless confirmed by the local planning authority in accordance with sub-paragraphs (9) and (10).

(8) On making a direction under article 4(1)—

(a) a county planning authority must give notice of it to any district planning authority in whose district the area or part of the area to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority must give notice of it to the county planning authority, if any.

(9) In deciding whether to confirm a direction made under article 4(1), the local planning authority must take into account any representations received during the period specified in accordance with sub-paragraph (4)(d).

(10) The local planning authority must not confirm a direction until after the expiration of—

(a) a period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or

(b) such longer period as may be specified by the Secretary of State following the notification by the local planning authority to the Secretary of State of the direction.

(11) The local planning authority must, as soon as practicable after a direction has been confirmed—

(a) give notice of such confirmation and the date on which the direction will come into force; and

(b) send a copy of the direction as confirmed to the Secretary of State.

(12) Notice under sub-paragraph (11)(a) must be given in the manner described in sub-paragraphs (1) and (4)(a) to (c); and sub-paragraphs (2) and (3) apply for this purpose as they apply for the purpose of sub-paragraph (1)(c).

(13) A local planning authority may, by making a subsequent direction, cancel any direction made by them under article 4(1); and the Secretary of State may, subject to paragraphs 2(3) and (4), make a direction cancelling or modifying any direction under article 4(1) made by a local planning authority at any time before or after its confirmation.

(14) Sub-paragraphs (1) to (12) apply in relation to any direction made under sub-paragraph (13) by a local planning authority unless the direction it is cancelling is a direction to which paragraph 2 applied.

(15) Paragraphs 2(2) to (10) apply in relation to any direction made by a local planning authority under sub-paragraph (13) cancelling a direction to which paragraph 2 applied.

(16) The Secretary of State must notify the local planning authority as soon as practicable after making a direction under sub-paragraph (13).

(17) Sub-paragraphs (1) to (3) and (4)(a) to (c) apply to any direction made under sub-paragraph (13) by the Secretary of State.

(18) A direction made under sub-paragraph (13) by the Secretary of State comes into force in respect of any part of the land within the area to which it relates—

(a) on the date on which the notice is served in accordance with sub-paragraph (1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if sub-paragraph (2) applies, on the date on which the notice is first published or displayed in accordance with sub-paragraph (1).

Procedure for article 4(1) directions with immediate effect

2.—(1) This paragraph applies where—

(a) a direction relating only to development permitted by any of Parts 1 to 4, or Class B or C of Part 11, of Schedule 2 has been made by the local planning authority under article 4(1) and the authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; or

(b) a direction within the whole or part of any conservation area has been made by the local planning authority under article 4(1) which the authority consider should have immediate effect and the development to which the direction relates is described in paragraphs (a) to (j) of sub-paragraph (3).

(2) Subject to sub-paragraphs (3), (4) and (9), paragraphs 1(1) to (3), (4)(a) to (d), (5), and (8) to (10) apply in relation to a direction to which this paragraph applies; and the planning authority must notify the Secretary of State of the direction on the same day that notice is given under paragraph 1(1).

(3) The Secretary of State may not make a direction under paragraph 1(13) within the whole or part of any conservation area where the development to which the direction relates is described in—

(a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;

(b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

(c) Class D of Part 1 of that Schedule, where the external door in question fronts a relevant location;

(d) Class E of Part 1 of that Schedule, where the building or enclosure, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location;

(e) Class F of Part 1 of that Schedule, where the hard surface would front a relevant location;

(f) Class G of Part 1 of that Schedule, consisting of the installation, alteration or replacement of a chimney on a dwellinghouse;

(g) Class H of Part 1 of that Schedule, where the part of the building or other structure on which the antenna is to be installed, altered or replaced fronts a relevant location;

(h) Class A of Part 2 of that Schedule, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location;

(i) Class C of Part 2 of the Schedule, consisting of the painting of the exterior of any part of—

(i) a dwellinghouse; or

(ii) any building or enclosure within the curtilage of a dwellinghouse,

which fronts a relevant location;

(j) Class C of Part 11 of that Schedule, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.

(4) The Secretary of State may not modify a direction to which this paragraph applies or a direction which relates to—

(a) a listed building;

(b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or

(c) development within the curtilage of a listed building,

and does not relate to land of any other description.

(5) The direction comes into force in respect of any part of the land within the area to which it relates—

(a) on the date on which the notice is served in accordance with paragraph 1(1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if paragraph 1(2) applies, on the date on which the notice is first published or displayed in accordance with paragraph 1(1).

(6) A direction to which this paragraph applies expires at the end of the period of 6 months beginning with the date on which it comes into force unless confirmed by the local planning authority in accordance with paragraphs 1(9) and (10) before the end of the 6 month period.

(7) The local planning authority must, as soon as practicable after a direction has been confirmed—

(a) give notice of their confirmation; and

(b) send a copy of the direction as confirmed to the Secretary of State.

(8) Notice under sub-paragraph (7)(a) must be given in the manner described in paragraphs 1(1) and (4)(a) to (c); and paragraphs 1(2) and (3) apply for this purpose as they apply for the purpose of paragraph 1(1)(c).

(9) Sub-paragraph (7)(b) does not apply in relation to a direction to which sub-paragraph (3) applies or to a direction which relates to—

(a) a listed building;

(b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or

(c) development within the curtilage of a listed building,

and does not relate to land of any other description.

(10) In this paragraph, "relevant location" means a highway, waterway or open space.

SCHEDULE 4 — Article 8

Statutory Instruments revoked in so far as they apply to England

1. The Town and Country Planning (General Permitted Development) Order 1995 [M116].

Marginal Citations
M116 S.I. 1995/418.

2. The Town and Country Planning (General Permitted Development) (Amendment) Order 1996 [M117].

Marginal Citations
M117 S.I. 1996/528.

3. The Town and Country Planning (General Permitted Development) (Amendment) Order 1997 [M118].

Marginal Citations
M118 S.I. 1997/366.

4. The Town and Country Planning (General Permitted Development) (Amendment) Order 1998 [M119].

Marginal Citations
M119 S.I. 1998/462.

5. The Town and Country Planning (General Permitted Development) (Amendment) Order 1999 [M120].

Marginal Citations
M120 S.I. 1999/1661.

6. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 [M121].

Marginal Citations
M121 S.I. 2001/2718.

7. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005 [M122];

Marginal Citations
M122 S.I. 2005/85.

8. The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2005 [M123].

Marginal Citations
M123 S.I. 2005/2935.

9. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2006 [M124].

Marginal Citations
M124 S.I. 2006/221.

10. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2007 [M125].

Marginal Citations
M125 S.I. 2007/406.

11. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 [M126].

Marginal Citations
M126 S.I. 2008/675.

12. The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 [M127].

Marginal Citations
M127 S.I. 2008/2362.

13. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 [M128].

Marginal Citations
M128 S.I. 2010/654.

14. The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010 [M129].

Marginal Citations
M129 S.I. 2010/2134.

15. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011 [M130].

Marginal Citations
M130 S.I. 2011/2056.

16. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012 [M131].

Marginal Citations
M131 S.I. 2012/748.

17. The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2012 [M132].

Marginal Citations
M132 S.I. 2012/2257.

18. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 [M133].

Marginal Citations
M133 S.I. 2013/1101.

19. The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2013 [M134].

Marginal Citations
M134 S.I. 2013/1868.

20. The Town and Country Planning (General Permitted Development) (Amendment) (England) (No. 3) Order 2013 [M135].

Marginal Citations
M135 S.I. 2013/2147.

21. The Town and Country Planning (General Permitted Development) (Amendment) (England) (No. 4) Order 2013 [M136].

Marginal Citations
M136 S.I. 2013/2435.

22. The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 [M137].

Marginal Citations
M137 S.I. 2014/564.

23. The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 [M138].

Marginal Citations
M138 S.I. 2015/659.

EXPLANATORY NOTE

(This note is not part of the Order)

This instrument consolidates with amendments, in relation to England, the Town and Country Planning (General Permitted Development) Order 1995 and subsequent amending instruments and revokes in relation to England the instruments listed in Schedule 4.

The main purpose of this Order is to grant planning permission for certain classes of development without the requirement for a planning application to be made under Part 3 of the Town and Country Planning Act 1990 (c. 8). Schedule 2 to this Order sets out these classes of development in detail. The planning permissions granted by this Order are subject to the provisions of this Order (in particular article 3 which places restrictions where the development in question is EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824), or subject to regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490)).

Article 4 permits local planning authorities and the Secretary of State to direct that any or particular development permitted under article 3 is not to apply in relation to a specified area (and Schedule 3 sets out the procedures in relation to article 4 directions).

Article 5 permits local planning authorities, following a notification from a developer, to direct that certain minerals development permitted under article 3 is not to apply. Article 6 makes general provision in relation to directions. Article 7 provides that where a period for determining a prior approval is not specified in any class in Schedule 2 then the period shall be 8 weeks.

Article 8 includes a saving provision in relation to development referred to in article 6 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. The saving provision is to cease to have effect 3 years after this Order comes into force.

In addition to minor changes the Order makes a number of other changes. The main changes made by this Order are as follows:

— the date for the expiry of the time-limited permitted development right for larger home extensions (in Class A of Part 1 of Schedule 2) has been extended, it now expires in May 2019;

— the previously time-limited permitted development rights for extensions to non-domestic premises (offices, shops, industrial buildings and schools etc) have been made permanent (Part 7 of Schedule 2);

— a number of new permitted development rights have been inserted in Part 3 of Schedule 2 (changes of use): the conversion of retail premises to restaurants / cafes (Class C); the existing permitted development to convert a shop to a deposit-taker is replaced by a wider right to convert a shop (or a betting office) to a premises providing financial and professional services (Classes D and F); the conversion of retail premises to assembly and leisure (Class J); the conversion of casinos or amusement arcades to dwellinghouses (Class N); and the conversion of premises used from storage or distribution centre uses to dwellinghouses (Class P);

— a new permitted development right for temporary use of building and land for commercial film-making has been inserted in Part 4 of Schedule 2;

— a new permitted development right has been included for the provision of click and collection facilities within the curtilage of a shop and for increasing the size of loading bays for shops and permitted development for the extension etc of buildings used for waste facilities (see Classes C, D and L of Part 7 of Schedule 2); and

— a new permitted development right for the installation of solar PV panels, with a generating capacity of up to 1 megawatt, on the roofs of non-domestic buildings (see Class J(c) of Part 14 of Schedule 2).

Some permitted development rights require prior approval of the local planning authority. The following table sets out a summary of the prior approval requirements.

Table summarising the prior approval provisions

Permitted development right *(References are to Parts of Schedule 2 to this Order which require prior approval)*	**Subject matter of prior approval**
Part 1 – extension of dwellinghouses	
Large extensions of a dwellinghouse. (Paragraph A.1(g) and A.4(7) to (12))	Where there are objections following neighbour notification, prior approval will consider impact of development on amenity of adjoining premises.
Part 3 – changes of use	
Retail to restaurants/cafes. (Paragraph C.2)	For the change of use— Noise impacts; Impacts of odour; Transport and highways impacts; Impacts of hours of operation; Impacts of storage and handling of waste; Impact on provision of services etc in area. For operational development— Siting, design or external appearance.
Retail to assembly and leisure. (Paragraph J.2)	Noise impacts; Transport and highways impacts; Impacts of hours of operation; Impact on provision of services etc in area.
Retail to dwellinghouses. (Paragraph M.2)	For the change of use— Transport and highways impacts; Contamination risk; Flooding risks; Impact on provision of services etc in area. For operational development— Design or external appearance.
Certain sui generis uses to dwellinghouses. (Paragraph N.2)	For the change of use— Transport and highways impacts; Contamination risk; Flooding risks. For operational development— Design or external appearance.
Offices to dwellinghouses. (Paragraph O.2)	Transport and highways impacts; Contamination risk; Flooding risks.
Storage or distribution centre use to dwellinghouses. (Paragraph P.2)	Air quality impacts; Transport and highways impacts; Contamination risk; Flooding risks;

	Noise impacts; Impact on sustainability of storage, distribution or industrial services in the area.
Agricultural building to dwellinghouses. (Paragraph Q.2)	For the change of use— Transport and highways impacts; Noise impacts; Contamination risk; Flooding risks; Whether location or siting makes it impractical or undesirable. For operational development— Design or external appearance.
Agricultural building to flexible use (within A1, A2, A3, B1, B8, C1 or D2). (Paragraph R.3(1)(b))	Transport and highways impacts; Noise impacts; Contamination risk; Flooding risks.
Agricultural building to state-funded school or registered nursery. (Paragraph S.2(1)(b))	Transport and highways impacts; Noise impacts; Contamination risk; Flooding risks. Whether location or siting makes it impractical or undesirable.
Various uses (B1, C1, C2, C2A and D2) to state-funded school or registered nursery. (Paragraph T.2(1)(b))	Transport and highways impacts; Noise impacts; Contamination risk.
Part 4	
Temporary use of land or buildings for commercial film-making. (Paragraph E.2(2))	Schedule of filming dates; Transport and highways impacts; Noise impacts; Impacts of artificial lighting; Flooding risks.
Part 6	
Erection or extension of agricultural buildings etc. (Paragraph A.2(2)(d) and B.5(2)(a))	Siting, design or external appearance.
Erection or extension of forestry related buildings etc. (Paragraph E.2(1)(a))	Siting, design or external appearance.
Part 7	
Erection of click and collection facility. (Paragraph C.2(1))	Siting, design or external appearance.
Part 9	
Facilities for the collection of tolls. (Paragraph D.2(a))	Siting, design or external appearance.
Part 11	
Demolition of a building. (Paragraph B.2(b))	Method of demolition and any proposed restoration of the site.

Part 14	
Installation etc of solar panels on roofs of non-domestic buildings providing up to 1 megawatt. (Paragraph J.4(2))	Design or external appearance, in particular the impact of glare on occupiers of neighbouring land.
Part 16	
On article 2(3) land, all electronic communications apparatus (subject to broadband exclusion until May 2019). Certain electronic communications apparatus: masts, antennas over 6 metres on buildings. (Paragraph A.2(4) and (5) and A.3(3))	Siting and appearance.
Part 17	
Mining related buildings, plant and machinery, structures or erections. (Paragraph B.2(1))	Siting, design or external appearance.
Development for maintenance / safety of surface of land at or adjacent to a mine or disused mine. (Paragraph C.2(1))	Siting, design or external appearance.
Buildings, plant and machinery, structures or erections for coal mining related development. (Paragraph F.3(1))	Siting, design or external appearance.
Coal Authority etc development for maintenance / safety of surface of land at or adjacent to a mine or disused mine. (Paragraph G.1(1))	Siting, design or external appearance.
Part 18	
Development authorised by local or privates Acts or orders. (Paragraph A.1)	Prior approval of detailed plans and specifications.

The documents referred to in this Order can be obtained or inspected as follows.

Reference in the Order	***Document***	***Where the document may be obtained***
Article 2(5) and Part 3 of Schedule 1	Maps of areas exempt from office to residential change of use permitted development	May be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF
Parts 3 (changes of use)	National Planning	May be viewed online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

and 4 (temporary uses of land and buildings) of Schedule 2	Policy Framework	
		May be viewed online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf May be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF
Parts 3 (changes of use) and 4 (temporary uses of land and buildings) of Schedule 2	Contaminated Land Statutory Guidance	May be viewed online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf
		May be inspected at Department for the Environment, Food and Rural Affairs, Noble House, 17 Smith Square, London, SW1P 3JR
Part 14 (renewable energy) of Schedule 2	Microgeneration Certification Standards	May be viewed online at:http://www.microgenerationcertification.org/mcs-standards/product-standards
		May be inspected at Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2HH

An impact assessment has been prepared in relation to the Order and is published with the Explanatory Memorandum alongside this instrument at www.legislation.gov.uk or a copy may be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

Changes to legislation:
There are currently no known outstanding effects for The Town and Country Planning (General Permitted Development) (England) Order 2015.