Consolidated Versions of Legislation:
The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

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Number of Statutory Instruments incorporated: 38

Introduction:
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About this document:
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- All footnotes have been kept (although they have been renumbered due to the process of merging different documents).

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Below is the start of the legislation.

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The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990¹, section 54 of the Coal Industry Act 1994² and of all other powers enabling them in that behalf, hereby make the following Order—

Citation, commencement and interpretation

1.— (1) This Order may be cited as the Town and Country Planning (General Permitted Development) Order 1995 and shall come into force on 3rd June 1995.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1990;

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960³;

“aerodrome” means an aerodrome as defined in article 106 of the Air Navigation Order 1989⁴ (interpretation) 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

¹ 1990 c. 8; section 74(1A) was inserted, and section 74(2) was amended, by section 19(1) of, and paragraph 17 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34).

² 1994 c. 21.

³ 1960 c. 62; a relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52)

⁴ S.I. 1989/2004, to which there are amendments not relevant to this Order.

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(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 [article 106];

“aqueduct” does not include an underground conduit;

“area of outstanding natural beauty” means an area designated as such by an order made by the Countryside Commission, as respects England, or the Countryside Council for Wales, as respects Wales, under section 87 of the National Parks and Access to the Countryside Act 1949 (designation of areas of outstanding natural beauty) as confirmed by the Secretary of State;

“building”—

(a) includes any structure or erection and, except in Parts 24, 25 and 33, 33 and 40, and Class A of Part 31, of Schedule 2, includes any part of a building, as defined in this article; and

(b) does not include plant or machinery and, in Schedule 2, except in Class B of Part 31 and Part 33, does not include any gate, fence, wall or other means of enclosure;

“caravan” has the same meaning as for the purposes of Part I of the 1960 Act (caravan sites);

“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); or

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

“crown land” has the meaning given by section 293(s) of the Act;

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

“dwellinghouse”, except in Part 3 of Schedule 2 to this Order (changes of use), 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;

“erection”, in relation to buildings as defined in this article, 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” 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;

“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—

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5 1949 c. 97; section 87 was amended by section 130 of, and paragraph 1(12) of Schedule 8 to, the Environmental Protection Act 1990 (c. 43).

6 1980 c. 66.

7 2000 c. 7. 
(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 19768 (interpretation);

“listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 19909 (listing of buildings of special architectural or historic interest);

“by local advertisement” means by publication of the notice in at least one newspaper circulating in the locality in which the area or, as the case may be, the whole or relevant part of the conservation area to which the direction 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;

“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;

“notifiable pipe-line” means a pipe-line, as defined in section 65 of the Pipe-lines Act 196210 (meaning of pipe-line), which contains or is intended to contain a hazardous substance, as defined in regulation 2(1) of the Notification Regulations (interpretation), except—

(a) a pipe-line the construction of which has been authorised under section 1 of the Pipelines Act 1962 (cross-country pipe-lines not to be constructed without the Minister’s authority); or

(b) a pipe-line which contains or is intended to contain no hazardous substance other than—

(i) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification Regulations (classes of hazardous substances not specifically named in Part I)) at a pressure of less than 8 bars absolute; or

(ii) a liquid or mixture of liquids, as specified in item 4 of Part II of that Schedule;

“Notification Regulations” means the Notification of Installations Handling Hazardous Substances Regulations 198211;

“operational Crown building” means a building which is operational Crown land;

“operational Crown land” means—

(a) Crown land 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;

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8 1976 c. 70.
9 1990 c. 9.
10 1962 c. 58.
(ii) Crown land—

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

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

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

(d) 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, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built;

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

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

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation);

“public service vehicle” means a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981 (definition of public service vehicles) or a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988 (general interpretation);

“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);

“by site display” means by the posting of the notice by firm affixture 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 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), or 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), or which is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record; in England or by a local planning authority in Wales and known in England as the County Sites and Monuments Record and in Wales as the Sites and Monuments Record for the local planning authority area;

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12 1981 c. 14; section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).
13 1988 c. 52.
14 1979 c. 46.

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“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 198115 (areas of special scientific interest) applies;

“statutory undertaker” includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers), the Post Office a universal service provider (within the meaning of the Postal Services Act 2000 Part 3 of the Postal Services Act 2011) in connection with the provision of a universal postal service (within the meaning of that Act), the Civil Aviation Authority, the National Rivers Authority, Environment Agency, the Natural Resources Body for Wales, any water undertaker, any public gas supplier, public gas transporter, and any licence holder within the meaning of section 64(1) of the Electricity Act 198916 (interpretation etc. of Part 1);

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

“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 198017 (general provisions as to trunk roads, and certain special roads and other highways to become trunk roads) or any other enactment or any instrument made under any enactment;

“The Use Classes Order” means the Town and Country Planning (Use Classes) Order 198718; and

“World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.

(3) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery shall 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.

(4) The land referred to elsewhere in this Order as article 1(4) land is the land described in Part 1 of Schedule 1 to this Order (land in listed counties in England and in specified areas in Wales).

(5) The land referred to elsewhere in this Order as article 1(5) land is the land described in Part 2 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc.).

(6) The land referred to elsewhere in this Order as article 1(6) land is the land described in Part 3 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

(6A) The land referred to elsewhere in this Order as article 1(6A) land is the land described in Part 4 of Schedule 1 to this Order (exempt office areas).

(7) Paragraphs (8) to (12) 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”).

(8) The requirement shall be 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.

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15 1981 c. 69.
16 1989 c. 29.
17 1980 c. 66; section 19 was amended by section 21(1) of the New Roads and Street Works Act 1991 (c. 22).
In paragraph (8), “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.

Where the electronic communication is received by the recipient outside the recipient’s business hours, it shall be 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, Bank Holiday or other public holiday.

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 (8), and “written” and cognate expressions are to be construed accordingly.

References in this Order or in any Schedule 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.

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 shall be treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.

Application

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

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

Permitted development

3.— (1) Subject to the provisions of this Order and regulations 60 to 63 of the Conservation (Natural Habitats, & c.) Regulations 199419 (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 the following provisions of 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 III of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 shall 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 shall not, except in relation to development permitted by Parts 9, 11, 13 or 30, authorise any development which requires or involves the formation, laying

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19 S.I. 1994/2716.
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 Part 11 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval shall not 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 public gas supplier or public gas transporter in accordance with Class F of Part 17 of that Schedule.

(9) Except as provided in Part 31, 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.

(10) Subject to paragraph (12), development is not permitted by this Order if an application for planning permission for that development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (“the Environmental Assessment Regulations”) (descriptions of development).

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (“the EIA Regulations”) is not permitted by this Order unless:

(a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development;

(b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or

(c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations.

(11) Where:

(a) the local planning authority have given an opinion under regulation 3 of the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995 (“the Permitted Development Regulations”) (opinion as to need for environmental statement) that an application for particular development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations and the Secretary of State has issued no direction to the contrary, under regulation 4 of the Permitted Development Regulations (directions by the Secretary of State); or

(b) the Secretary of State has given an opinion under regulation 5 of the Permitted Development Regulations (opposed development in which a relevant planning authority has an interest) that an application for particular development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations;

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

(11) Where:

21 S.I. 1995/417

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(a) the local planning authority has adopted a screening opinion pursuant to regulation 5 of the EIA Regulations that development is EIA development and the Secretary of State has in relation to that development neither made a screening direction to the contrary under regulation 4(7) or 6(4) of those Regulations nor directed under regulation 4(8) 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, that development shall be 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 comprises or forms part of a project serving national defence purposes;

(b) development which consists of the carrying out by a drainage body within the meaning of the Land Drainage Act 1991\(^{22}\) of improvement works within the meaning of the Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988\(^{23}\) the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999;

(c) development which consists of the installation of an electric line (within the meaning of Part I of the Electricity Act 1989\(^{24}\) (electricity supply)) which replaces an existing line (as defined in regulation 2 of the Overhead Lines (Exemption) Regulations 1990\(^{25}\) (interpretation)) and in respect of which consent under section 37 of that Act (consent required for overhead lines) is not required by virtue of regulation 3(1)(e) of those Regulations (exemptions from section 37(1) of the Electricity Act 1989): provided that, in the circumstances mentioned in paragraph (1)(a) or (b) of regulation 5 of those Regulations (further restrictions on the exemptions contained in regulation 3), the determination for the purposes of that regulation that there is not likely to be a significant adverse effect on the environment shall have been made otherwise than as mentioned in paragraph (2) of that regulation;

(d) development for which permission is granted by Part 7, Class D of Part 8, Part 11, Class B of Part 12, Class F(a) of Part 17, Class A or Class B of Part 20 or Class B of Part 21 of Schedule 2;

(e) development for which permission is granted by Class C or Class D of Part 20, Class A of Part 21 or Class B of Part 22 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 C or Class D of Part 20, on the same authorised site,

(ii) in the case of Class A of Part 21, on the same premises or, as the case may be, the same ancillary mining land,

(iii) in the case of Class B of Part 22, on the same land or, as the case may be, on land adjoining that land,

as that in, or on which development of any description permitted by the same Class has been carried out before 3rd June 1995 14th March 1999;

(f) the completion of any development begun before 3rd June 1995 14th March 1999;

(g) development for which permission is granted by Class B of Part 13.

\(^{22}\) 1991 c. 59. The definition of “drainage body” is to be found in section 72(1).

\(^{23}\) S.I. 1988/1217.

\(^{24}\) 1989 c. 29. See the definition in section 64(1).

\(^{25}\) S.I. 1990/2035.

(IMPORTANT NOTE:
Sub-paragraph (g) applies only in the case of the Crown (see 2006 No. 1282).
In all other cases (i.e. generally), sub-paragraph (g) should be disregarded.)
[13] Where a person uses electronic communications for making any application required to be made under any of Parts 6, 7, 22, 23, 24, 30 or 31 of Schedule 2, that person shall be taken to have agreed—

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

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

(c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing that he wishes to revoke the agreement (and such revocation shall be final and shall take effect on a date specified by him but not less than seven days after the date on which the notice is given).

Directions restricting permitted development

4. (1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than Class B of Part 22 or Class B of Part 23, should not be carried out unless permission is granted for it on an application, he or they may give a direction under this paragraph that the permission granted by article 3 shall 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 shall specify that it is made under this paragraph.

(2) If the appropriate local planning authority is satisfied that it is expedient that any particular development described in paragraph (5) below should not be carried out within the whole or any part of a conservation area unless permission is granted for it on an application, they may give a direction under this paragraph that the permission granted by article 3 shall not apply to all or any particular development of the Class in question within the whole or any part of the conservation area, and the direction shall specify the development and conservation area or part of that area to which it relates and that it is made under this paragraph.

(3) A direction under paragraph (1) or (2) shall not affect the carrying out of—

(a) development permitted by Part 11 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;

(aa) development permitted by Class B of Part 13;

(ab) development permitted by Part 37 or Part 38;

(b) any development in an emergency other than development permitted by Part 37; or

(c) any development mentioned in Part 24, unless the direction specifically so provides.

(4) A direction given or having effect as if given under this article shall 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;
(c) 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;
(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 A of Part 18 of Schedule 2).

(5) The development referred to in paragraph (2) is development 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 H of Part 1 of that Schedule, where the part of the building or other structure on
which the satellite antenna is to be installed, altered or replaced fronts a relevant location;
(g) Part 1 of that Schedule, consisting of the erection, alteration or removal of a chimney on a
dwellinghouse or on a building within the curtilage of a dwellinghouse;
(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 that Schedule, consisting of the painting of the exterior of any part,
which fronts a relevant location, of—

(i) a dwellinghouse; or

(ii) any building or enclosure within the curtilage of a dwellinghouse;
(j) Class B of Part 31 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.

(6) In this article and in articles 5 and 6—

“appropriate local planning authority” means—

(a) in relation to a conservation area in a non-metropolitan county in England, the county
planning authority or the district planning authority; and

(b) in relation to any other area, 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;

“relevant location” means a highway, waterway or open space.
**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 Class B of Part 22 or Class B of Part 23, 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 shall 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 shall specify that it is made under this paragraph.

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

(a) development permitted by Part 11 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;

(b) development permitted by Class B of Part 13;

(c) development mentioned in Part 24, unless the direction specifically so provides;

(d) development in an emergency other than development permitted by Part 37;

(e) development permitted by Part 37 or 38.

(3) A direction made or having effect as if made under this article shall 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 A of Part 18).

(4) In this article and in articles 5 and 6 “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.

**Approval of Secretary of State for article 4(1) directions**

5.— (1) Except in the cases specified in paragraphs (3) and (4), a direction by a local planning authority

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under article 4(1) requires the approval of the Secretary of State, who may approve the direction with or without modifications.

(2) On making a direction under article 4(1) or submitting such a direction to the Secretary of State for approval—
   (a) a county planning authority shall give notice of it to any district planning authority in whose district the area to which the direction relates is situated; and
   (b) except in metropolitan districts, a district planning authority shall give notice of it to the county planning authority, if any.

(3) Unless it affects the carrying out of development by a statutory undertaker as provided by article 4(4), the approval of the Secretary of State is not required for 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.

(4) Subject to paragraph (6), the approval of the Secretary of State is not required for a direction made under article 4(1) relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

(5) A direction not requiring the Secretary of State's approval by virtue of paragraph (4) shall, unless disallowed or approved by the Secretary of State, expire at the end of six months from the date on which it was made.

(6) Paragraph (4) does not apply to a second or subsequent direction relating to the same development or to development of the same Class or any of the same Classes, in the same area or any part of that area as that to which the first direction relates or related.

(7) The local planning authority shall send a copy of any direction made by them to which paragraph (4) applies to the Secretary of State not later than the date on which notice of that direction is given in accordance with paragraph (10) or (12).

(8) The Secretary of State may give notice to the local planning authority that he has disallowed any such direction and the direction shall then cease to have effect.

(9) The local planning authority shall as soon as reasonably practicable give notice that a direction has been disallowed in the same manner as notice of the direction was given.

(10) Subject to paragraph (12), notice of any direction made under article 4(1) shall be served by the appropriate local planning authority on the owner and occupier of every part of the land within the area to which the direction relates as soon as practicable after the direction has been made or, where the direction is required to be approved by the Secretary of State, as soon as practicable after it has been so approved; and a direction shall come into force in respect of any part of the land within the area to which the direction relates on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(11) If a direction to which paragraph (4) applies is approved by the Secretary of State within the period of six months referred to in paragraph (5), then (unless paragraph (12) applies) the authority who made the direction shall, as soon as practicable, serve notice of that approval on the owner and occupier of every part of the land within the area to which the direction relates, and where the Secretary of State has approved the direction with modifications the notice shall indicate the effect of the modifications.

(12) Where in the case of a direction under article 4(1)(a) an authority consider that individual service in accordance with paragraph (10) or (11) is impracticable for the reasons set out in paragraph
(14) they shall publish a notice of the direction, or of the approval, by local advertisement.

(15) A notice published pursuant to paragraph (12) shall contain a statement of the effect of the direction and of any modification made to it by the Secretary of State, and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(16) The reasons referred to in paragraph (12) are that the number of owners and occupiers within the area to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(17) Where notice of a direction has been published in accordance with paragraph (12), the direction shall come into force on the date on which the notice is first published.

(18) A local planning authority may, by making a subsequent direction and without the approval of the Secretary of State, cancel any direction made by them under article 4(1), and the Secretary of State may make a direction cancelling any direction under article 4(1) made by the local planning authority.

(19) Paragraphs (10) and (12) to (15) shall apply to any direction made under paragraph (16).

Procedure for article 4(1) directions

5.— (1) Subject to article 6, notice of any direction made under article 4(1) shall, 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 two 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 six weeks; and

(c) subject to 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 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) Paragraph (2) shall not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in paragraph (1) shall—

(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 two years after the date referred to in subparagraph (d).

Commented [S48]: Article 5 was deleted by 2010 No. 654
(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 paragraph (4)(d) has elapsed, the authority shall be 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 shall send a copy of the direction and the notice under 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 paragraph (1).

(7) The direction shall come into force in respect of any part of the land within the area to which it relates on the date specified in accordance with paragraph (4)(e) but shall not come into force unless confirmed by the local planning authority in accordance with paragraphs (9) and (10).

(8) On making a direction under article 4(1)—
   (a) a county planning authority shall 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 shall 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 shall take into account any representations received during the period specified in accordance with paragraph (4)(d).

(10) The local planning authority shall 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 shall, 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 paragraph (11)(a) shall be given in the manner described in paragraphs (1) and (4)(a) to (c); and paragraphs (2) and (3) shall apply for this purpose as they apply for the purpose of 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 (3) and (4) of article 6, 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) Paragraphs (1) to (12) shall apply in relation to any direction made under paragraph (13) by a local planning authority unless the direction it is cancelling is a direction to which article 6 applied.

(15) Paragraphs (2) to (10) of article 6 shall apply in relation to any direction made by a local planning authority under paragraph (13) cancelling a direction to which article 6 applied.

(16) The Secretary of State shall notify the local planning authority as soon as practicable after making a direction under paragraph (13).

(17) Paragraphs (1) to (3) and (4)(a) to (c) shall apply to any direction made under paragraph (13) by the Secretary of State.
(18) A direction made under paragraph (13) by the Secretary of State shall come 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)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if paragraph (2) applies, on the date on which the notice is first published or displayed in accordance with paragraph (1).

Notice and confirmation of article 4(2) directions

6. (1) Notice of any direction made under article 4(2) shall, as soon as practicable after the direction has been made, be given by the appropriate local planning authority—

(a) by local advertisement; and

(b) subject to paragraphs (4) and (5), by serving the notice on the owner and occupier of every dwellinghouse within the whole or the relevant part of the conservation area to which the direction relates.

(2) The notice referred to in paragraph (1) shall—

(a) include a description of the development and the conservation area or part of that area to which the direction relates, and a statement of the effect of the direction;

(b) specify that the direction is made under article 4(2) of this Order;

(c) name a place where a copy of the direction, and a copy of the map defining the conservation area or part of that area to which it relates, may be seen at all reasonable hours; and

(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.

(3) The direction shall come into force in respect of any part of the land within the conservation area or part of that area to which it relates—

(a) on the date on which the notice is served on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if paragraph (4) or (5) applies, on the date on which the notice is first published in accordance with paragraph (1)(a).

(4) The local planning authority need not serve notice on an owner or occupier in accordance with paragraph (1)(b) where they consider that individual service on that owner or occupier is impracticable because it is difficult to identify or locate him.

(5) The local planning authority need not serve any notice in accordance with paragraph (1)(b) where they consider that the number of owners or occupiers within the conservation area or part of that area to which the direction relates makes individual service impracticable.

(6) On making a direction under article 4(2)—

(a) a county planning authority shall give notice of it to any district planning authority in whose district the conservation area or part of that area to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority shall give notice of it to the county planning authority, if any.

(7) A direction under article 4(2) shall expire at the end of six months from the date on which it was made unless confirmed by the appropriate local planning authority in accordance with paragraphs (8) and (9) before the end of that six month period.
(8) In deciding whether to confirm a direction made under article 4(2), the local planning authority shall take into account any representations received during the period specified in the notice referred to in paragraph (2)(d).

(9) The local planning authority shall not confirm the direction until a period of at least 28 days has elapsed following the latest date on which any notice relating to the direction was served or published.

(10) The appropriate local planning authority shall as soon as practicable give notice that a direction has been confirmed in the same manner as in paragraphs (1)(a) and (b) above.

Directions with immediate effect

6. (1) This article applies where—

   (a) a direction relating only to development permitted by any of Parts 1 to 4, or Part 31, 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 sub-paragraphs (a) to (j) of paragraph (3).

(2) Subject to paragraphs (3), (4) and (5) of this article, paragraphs (1) to (3), (4)(a) to (d), (5), and (8) to (10) of article 5 shall apply, in relation to a direction to which this article applies; and the planning authority shall notify the Secretary of State of the direction on the same day that notice is given under paragraph (1) of article 5.

(3) The Secretary of State may not make a direction under paragraph (13) of article 5 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 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;

   (g) 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;

   (h) Class G of Part 1 of that Schedule, consisting of the installation, alteration or replacement of a chimney on a dwellinghouse;
(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 B of Part 31 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 article 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) Paragraph (11)(b) of article 5 shall not apply in relation to a direction to which paragraph (3) of this article 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.

(6) The direction shall come 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)(c) of article 5 on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if paragraph (2) of article 5 applies, on the date on which the notice is first published or displayed in accordance with paragraph (1) of article 5.

(7) A direction to which this article applies shall expire at the end of the period of six months beginning with the date on which it comes into force unless confirmed by the local planning authority in accordance with paragraphs (9) and (10) of article 5 before the end of the six month period.

(8) The local planning authority shall, as soon as practicable after a direction has been confirmed—

(a) give notice of its confirmation; and

(b) send a copy of the direction as confirmed to the Secretary of State.

(9) Notice under paragraph (8)(a) shall be given in the manner described in paragraphs (1) and (4)(a) to (c) of article 5; and paragraphs (2) and (3) of that article shall apply for this purpose as they apply for the purpose of paragraph (1)(c) of article 5.

(10) In this article “relevant location” means a highway, waterway or open space.

Directions restricting permitted development under Class B of Part 22 or Class B of Part 23

7.— (1) If, on receipt of a notification from any person that he proposes to carry out development within Class B of Part 22 or Class B of Part 23 of Schedule 2, a mineral planning authority are satisfied as mentioned in paragraph (2) below, they may, within a period of 21 days beginning with the
receipt of the notification, direct that the permission granted by article 3 of this Order shall 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\(^{26}\) (exempt operations),

(iv) a site of special scientific interest, or

(v) the Broads;

(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 in pursuance of the provisions of Class B of Part 22 or Class B of Part 23, 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 building shown as Grade I in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990\(^{27}\) (listing of buildings of special architectural or historic interest);

(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 shall contain a statement as to the day on which (if it is not disallowed under paragraph (5) below) it will come into force, which shall be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4) below.

(4) As soon as is reasonably practicable a copy of a direction under this article shall 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 that he has disallowed the direction, the mineral planning authority shall give notice in writing to the person who gave notice of the proposal that he is authorised to proceed with the development.

**Directions**

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

**Revocations**

9. The statutory instruments specified in column 1 of Schedule 3 are hereby revoked to the extent specified in column 3.

\(^{26}\) S.I. 1984/1286

\(^{27}\) 1990 c. 9.
John Selwyn Gummer
Secretary of State for the Environment

21st February 1995

John Redwood
Secretary of State for Wales

22nd February 1995
SCHEDULE 1

ARTICLE 1

PART 1

ARTICLE 1(4) LAND

Land within the following counties—

Cleveland, Cornwall, Cumbria, Devon, Durham, Dyfed, Greater Manchester, Gwynedd, Humberside, Lancashire, Merseyside, Northumberland, North Yorkshire, South Yorkshire, Tyne and Wear, West Glamorgan, West Yorkshire.

Land within the following areas in Wales—

that part of the county borough of Aberconwy and Colwyn which was on 31st March 1996 within the former county of Gwynedd;
the county of Anglesey;
the county of Caernarfonshire and Merionethshire;
the county of Cardiganshire;
the county of Carmarthenshire;
the county borough of Neath and Port Talbot;
the county of Pembrokeshire;
the county of Swansea.

PART 2

ARTICLE 1(5) LAND

Land within—

(a) a National Park;
(b) an area of outstanding natural beauty;
(c) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990\(^{28}\) (designation of conservation areas);
(d) an area specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of section 41(3) of the Wildlife and Countryside Act 1981\(^ {29}\) (enhancement and protection of the natural beauty and amenity of the countryside);
(e) the Broads; and
(f) a World Heritage Site.

PART 3

ARTICLE 1(6) LAND

\(^{28}\) 1990 c. 9.
\(^{29}\) 1981 c. 69.

Commented [S52]: The words “in England” were inserted by 1996 No. 528.
Commented [S53]: The word “Dyfed” was deleted by 1996 No. 528.
Commented [S54]: The word “Gwynedd” was deleted by 1996 No. 528.
Commented [S55]: The words “West Glamorgan” were deleted by 1996 No. 528.
Commented [S56]: The section from “Land within the ...” to “... county of Swansea” was inserted by 1996 No. 528.
Commented [S57]: Schedule 1, Part I was deleted by 1999 No. 1661.
Commented [S58]: Replaced by 2008 No. 2362.
Commented [S59]: Inserted by 2008 No. 2362.

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Land within a National Park or within the following areas—

(a) In England, the Broads or land outside the boundaries of a National Park, which is within the parishes listed below—

in the district of Allerdale—

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

in the borough of Copeland—

Arledon and Frizington, Cleator Moor, Distung, Drigg and Carleton, Egremont, Gosforth, Haile, Irton with Santon, Lamplugh, Lowca, Lowside Quarter, Millom, Millom Without, Moresby, Parton, Ponsonby, St Bees, St Bridge’s Beckermet, St John’s Beckermet, Seascale, Weddlcar;

in the district of Eden—


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;

in the district of South Lakeland—


in the district of West Derbyshire—

Aldwark, Birchover, Stanton; and

(b) In Wales, land outside the boundaries of a National Park which is—

(i) within the communities listed below—

in the borough of Aberconwy—

Caerhun, Dolgarrog;

in the borough of Arfon—

Betws Garmon, Bontnewydd, Llanberis, Llanddeiniolen, Llandwrog, Llanfyrn, Llanwanda, Waunfawr;

in the district of Meirionnydd—

Arthog, Corris, Llanfrothen, Penrhyncoedraeth; or
(ii) within the specified parts of the communities listed below—

in the borough of Aberconwy, those parts of the following communities which were on 31st March 1974 within the former rural district of Nant Conway—

Conwy, Henryd, Llanddoged and Maenan, Llanrwst, Llansanffraid Glan Conwy,

in the borough of Arfon, those parts of the following communities which were on 31st March 1974 within the former rural district of Gwyrfai—

Caernarfon, Llandygai, Llanrug, Pentir, Y Felinheli,

in the district of Dwyfor, that part of the community of Porthmadog which was on 31st March 1974 within the former rural district of Deudraeth and those parts of the following communities which were on that date within the former rural district of Gwyrfai—

Clynnog, Dolbenmaen, Llanaelhaearn;

in the district of Glyndwr, those parts of the following communities which were on 31st March 1974 within the former rural district of Penllyn—

Llandrillo, Llangwm;

(b) In Wales, land outside the boundaries of a National Park which is—

(i) within the communities listed below—

in the county borough of Aberconwy and Colwyn—

Caerhun, Dolgarrog;

in the county of Caernarfonshire and Merionethshire—

Artshog, Betws Garmon, Bonniewydd, Corris, Llanberis, Llanddeiniolen, Llandwrog, Llanfrothen, Llanfylleni, Llanwnda, Penrhynedduadraeth, Waunfawr; or

(ii) within the specified parts of the communities listed below—

in the county borough of Aberconwy and Colwyn—

those parts of the following communities which were on 31st March 1974 within the former rural district of Nant Conway—

Conwy, Henryd, Llanddoged and Maenan, and Llanrwst;

that part of the community of Llangwm which was on 31st March 1974 within the former rural district of Penllyn

in the county of Caernarfonshire and Merionethshire:

those parts of the following communities which were on 31st March 1974 within the former rural district of Gwyrfai—

Caernarfon, Clynnog, Dolbenmaen, Llandygai, Llanaelhaearn, Llanrug, Pentir, Y Felinheli;

that part of the community of Tal-y-sarnau which was on 31st March 1974 within the former rural district of Deudraeth;

that part of the community of Barmouth which was on 31st March 1974 within the former rural district of Dolgelau;

that part of the community of Llandderfel which was on 31st March 1974 within the former rural district of Penllyn;

in the county of Denbighshire, that part of the community of Llandrillo which was on 31st March 1974 within the former rural district of Penllyn.
PART 4
Article 1(6A) Land

1. Land within the areas named in column 1 of the table in this Schedule is designated by reference to the area bounded externally by the outer edge of the boundary line shown on the corresponding map specified in column 3 of the table.

2. A reference in this Part of this Schedule to a map is to one of the maps numbered 1.1 to 1.36 and entitled “Maps of areas exempt from office to residential change of use permitted development right 2013”, of which copies, signed by a member of the Senior Civil Service in the Department for Communities and Local Government, are available for inspection at the offices of the Secretary of State for Communities and Local Government.

<table>
<thead>
<tr>
<th>Name of area</th>
<th>Local planning authority for the area</th>
<th>Map number (colour / style of boundary line)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Activities Zone and Tech City, London</td>
<td>Common Council of the City of London</td>
<td>1.1 (red line)</td>
</tr>
<tr>
<td></td>
<td>London Borough Council of Islington</td>
<td>1.2 (red line)</td>
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<tr>
<td></td>
<td>London Borough Council of Hackney</td>
<td>1.3 to 1.7 (blue line)</td>
</tr>
<tr>
<td></td>
<td>London Borough Council of Tower Hamlets</td>
<td>1.8 and 1.9 (red line and black borough boundary line, green line and black borough boundary line and pink line)</td>
</tr>
<tr>
<td></td>
<td>London Borough Council of Southwark</td>
<td>1.10 (red line)</td>
</tr>
<tr>
<td></td>
<td>London Borough Council of Lambeth</td>
<td>1.11 (red line)</td>
</tr>
<tr>
<td></td>
<td>London Borough Council of Wandsworth</td>
<td>1.12 (blue line and black-dashed borough boundary line)</td>
</tr>
<tr>
<td></td>
<td>Westminster City Council</td>
<td>1.13 (red line)</td>
</tr>
<tr>
<td></td>
<td>Royal Borough Council of Kensington and Chelsea</td>
<td>1.14 (red line)</td>
</tr>
<tr>
<td></td>
<td>London Borough Council of Camden</td>
<td>1.15 (red line)</td>
</tr>
<tr>
<td></td>
<td>Royal Borough Council of Kensington and Chelsea</td>
<td>1.14 (red line)</td>
</tr>
<tr>
<td></td>
<td>The whole of the Royal Borough of Kensington and Chelsea (so far as not already designated under the entry for the Central</td>
<td></td>
</tr>
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</table>
Activities Zone and Tech City

<table>
<thead>
<tr>
<th>Areas in the Isle of Dogs (so far as not already designated under the entry for Central Activities Zone and Tech City)</th>
<th>London Borough Council of Tower Hamlets</th>
<th>1.8 and 1.9 (blue line)</th>
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</thead>
<tbody>
<tr>
<td>3 areas known as the Royal Docks Enterprise Zone</td>
<td>London Borough Council of Newham</td>
<td>1.16 (red line)</td>
</tr>
<tr>
<td>2 areas known as Milton Park Enterprise Zone</td>
<td>Vale of the White Horse Borough Council</td>
<td>1.17 (red line)</td>
</tr>
<tr>
<td>Harwell Oxford Enterprise Zone</td>
<td>Vale of the White Horse Borough Council</td>
<td>1.18 (red line)</td>
</tr>
<tr>
<td>2 areas known as Manchester City Centre Core</td>
<td>Manchester City Council</td>
<td>1.19 (red line)</td>
</tr>
<tr>
<td>13 areas within the Gunnels Wood Employment Area</td>
<td>Stevenage Borough Council</td>
<td>1.20 (red line)</td>
</tr>
<tr>
<td>8 areas in and around De Beauvoir</td>
<td>London Borough of Hackney</td>
<td>1.21 (blue line)</td>
</tr>
<tr>
<td>6 areas in and around Mare Street</td>
<td>London Borough of Hackney</td>
<td>1.22 (blue line)</td>
</tr>
<tr>
<td>BT Building, London Road</td>
<td>Sevenoaks District Council</td>
<td>1.23 (black line)</td>
</tr>
<tr>
<td>An area in London Road</td>
<td>Sevenoaks District Council</td>
<td>1.24 (black line)</td>
</tr>
<tr>
<td>Crown Inn, Westerham Trading Centre, Westerham</td>
<td>Sevenoaks District Council</td>
<td>1.25 (black line)</td>
</tr>
<tr>
<td>Ashford Commercial Quarter</td>
<td>Ashford Borough Council</td>
<td>1.26 (red line)</td>
</tr>
<tr>
<td>Petersfield Parish</td>
<td>East Hampshire District Council</td>
<td>1.27 (red line)</td>
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<tr>
<td>Alton Parish</td>
<td>East Hampshire District Council</td>
<td>1.28 (red line)</td>
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<tr>
<td>An area in Whitehall and Bordon</td>
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<td>Horndean Parish</td>
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<td>Liss Parish</td>
<td>East Hampshire District Council</td>
<td>1.31 (red line)</td>
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<tr>
<td>Bramshott and Liphook Ward and Parish</td>
<td>East Hampshire District Council</td>
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<td>Ropley Parish</td>
<td>East Hampshire District Council</td>
<td>1.33 (red line)</td>
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<tr>
<td>Ward</td>
<td>Council</td>
<td>Section</td>
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</tr>
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<td>Bentley Parish</td>
<td>East Hampshire District Council</td>
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<tr>
<td>Grayshott Ward and Parish</td>
<td>East Hampshire District Council</td>
<td>1.35</td>
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<tr>
<td>Four Marks and Medstead Ward</td>
<td>East Hampshire District Council</td>
<td>1.36</td>
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</table>

Commented [S62]: Part 4 was inserted by 2013 No. 1101
PART 1

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A

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) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—

(i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,

(ii) in any other case, by more than 70 cubic metres or 15 %, whichever is the greater,

(iii) in any case, by more than 115 cubic metres;

(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;

(c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—

(i) the part of the original dwellinghouse nearest to that highway, or

(ii) any point 20 metres from that highway, whichever is nearer to the highway;

(d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;

(e) the total area of ground covered by buildings 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);

(f) it would consist of or include the installation, alteration or replacement of a satellite antenna or microwave antenna;

(g) it would consist of or include the erection of a building within the curtilage of a listed building; or

(h) it would consist of or include an alteration to any part of the roof.

A.2.— In the case of a dwellinghouse on any article 1(5) land, development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tile.

Interpretation of Class A

Commented [S63]: The words “a satellite antenna” were replaced with “a microwave antenna” by 2005 No. 2935.
A.3. For the purposes of Class A—

(a) the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes (including calculating cubic content) where—

(i) the dwellinghouse is on article 1(5) land, or
(ii) in any other case, any part of that building would be within 5 metres of any part of the dwellinghouse;

(b) where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

Class B

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

(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;

(c) it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;

(d) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—

(i) in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,
(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or
(iii) in any case, by more than 115 cubic metres;

(e) the dwellinghouse is on article 1(5) land.

Class C

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 it would result in a material alteration to the shape of the dwellinghouse.
Class D

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

   (b) any part of the structure would be more than 3 metres above ground level;

   (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Class E

Permitted development
E.—— The provision within the curtilage of a dwellinghouse of 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.

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

   (a) it relates to a dwelling or a satellite antenna a microwave antenna;

   (b) any part of the building or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than——

      (i) the part of the original dwellinghouse nearest to that highway, or

      (ii) any point 20 metres from that highway,

      whichever is nearer to the highway;

   (c) where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, any part of it would be within 5 metres of any part of the dwellinghouse;

   (d) the height of that building or enclosure would exceed——

      (i) 4 metres, in the case of a building with a ridged roof; or

      (ii) 3 metres, in any other case;

   (e) the total area of ground covered by buildings or enclosures 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); or

   (f) in the case of any article 1(5) land or land within the curtilage of a listed building, it would consist of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres.

Interpretation of Class E

Commented [S64]: The words “a satellite antenna” were replaced with “a microwave antenna” by 2005 No. 2915
E.2. 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

Permitted development
E. The provision within the curtilage of a dwellinghouse of a hard surface for any purpose
incidental to the enjoyment of the dwellinghouse as such.

Class G

Permitted development
G. The erection or provision within the curtilage of a dwellinghouse of a container for the storage of
oil for domestic heating.

Development not permitted
G.1. Development is not permitted by Class G if—
(a) the capacity of the container would exceed 3,500 litres;
(b) any part of the container would be more than 3 metres above ground level; or
(c) any part of the container would be nearer to any highway which bounds the curtilage than—
(i) the part of the original building nearest to that highway, or
(ii) any point 20 metres from that highway,
whichever is nearer to the highway.

Class H

Permitted development
H. The installation, alteration or replacement of a satellite antenna 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) the size of the antenna (excluding any projecting feed element, reinforcing rim, mountings and
brackets) when measured in any dimension would exceed—
(i) 45 centimetres in the case of an antenna to be installed on a chimney;
(ii) 90 centimetres in the case of an antenna to be installed on or within the curtilage of a
dwellinghouse on article 1(4) land other than on a chimney;
(iii) 70 centimetres in any other case.

Commented [S65]: The words “a satellite antenna” were replaced with “a microwave antenna” by 2005 No. 2915

Commented [S66]: The words “on or within the curtilage of a dwellinghouse on article 1(4) land” were deleted by 1998 No. 462

Commented [S67]: Paragraph (iii) was deleted by 1998 No. 462
(b) the highest part of an antenna to be installed on a roof or a chimney would, when installed, exceed in height—
   (i) in the case of an antenna to be installed on a roof, the highest part of the roof;
   (ii) in the case of an antenna to be installed on a chimney, the highest part of the chimney;
   (c) there is any other satellite antenna on the dwellinghouse or within its curtilage;
   (d) in the case of article 1(5) land, it would consist of the installation of an antenna—
      (i) on a chimney;
      (ii) on a building which exceeds 15 metres in height;
      (iii) on a wall or roof slope which fronts a waterway in the Broads or a highway elsewhere;
      (iv) in the Broads, on a wall or roof slope which fronts a waterway.

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

(a) it would result in the presence on the dwellinghouse or within its curtilage of—
   (i) more than two antennas;
   (ii) a single antenna exceeding 100 centimetres in length;
   (iii) two antennas which do not meet the relevant size criteria;
   (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
   (v) an antenna installed on a chimney, where the antenna would protrude above the chimney;
   (vi) an antenna with a cubic capacity in excess of 35 litres;
   (b) 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;
   (c) 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 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;
   (d) in the case of article 1(5) 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;
      (iii) on a building which exceeds 15 metres in height.

Conditions

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

(a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
(b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed as soon as reasonably practicable.
(b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.
H.3. The relevant size criteria for the purpose of paragraph H.1(a)(iii) are that:
   (a) only one of the antennas may exceed 60 centimetres in length; and
   (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

H.4. The length of an antenna is to be measured in any linear direction, and shall exclude any projecting
   feed element, reinforcing rim, mounting or brackets.

Interpretation of Part 1

I. For the purposes of Part 1

   “resulting building” means the dwellinghouse as enlarged, improved or altered, taking into account
   any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this
   Part or not; and

   “terrace house” means a dwellinghouse situated in a row of three 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 sub-paragraph (a) above.

Commented [S73]: Sections H.3. and H.4. were inserted by 2005 No. 2935.

Commented [S74]: Part 1 was deleted by 2008 No. 2362.
PART 1
DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A

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—

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

(a) 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);

(b) 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;

(c) 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;

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

   (i) fronts a highway, and
   (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

(e) subject to paragraph (ea), 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;

(ea) until 30th May 2016, for a dwellinghouse not on article 1(5) 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;

(f) the enlarged part of the dwellinghouse would have more than one storey and—

   (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
   (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

(g) 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;

(h) 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,
have more than one storey, or
(ii) have a width greater than half the width of the original dwellinghouse; or
(iii) it would consist of or include—
(i) the construction or provision of a veranda, 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.

A.2. In the case of a dwellinghouse on article 1(5) 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 one storey and extend beyond the rear wall of the original dwellinghouse.

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) shall 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 shall 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
(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

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

(2) Before beginning the development the developer shall 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;
(b) a plan indicating the site and showing the proposed development;
(c) the addresses of any adjoining premises;
the developer’s contact address; and

(e) the developer’s email address if the developer is content to receive communications electronically.

[2A] 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(e) but is allowed by paragraph A.1(ea).

[2B] Paragraphs (3) to (5) and (7) shall not apply where a local planning authority refuses an application under paragraph (2A).

(3) The local planning authority shall notify owners or occupiers of any adjoining premises about the proposed development by serving on them a notice which—

(a) describes 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;

(b) provides the address of the proposed development;

(c) specifies the date when the information referred to in paragraph (2) was received by the local planning authority and the date when the period referred to in paragraph (8) 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.

(4) The local planning authority must send a copy of the notice referred to in paragraph (3) to the developer.

(5) 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.

(6) The local planning authority may require the developer to submit such further information regarding the proposed development as the local planning authority may reasonably require in order to consider the impact of the proposed development on the amenity of any adjoining premises.

(7) The local planning authority shall, when considering the impact referred to in paragraphs (5) and (6)—

(a) take into account any representations made as a result of the notice given under paragraph (3); and

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

(8) The development shall not be begun 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 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.

(9) The development shall 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 paragraph (8)(c) applies, in accordance with the information provided under paragraph (2),

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

(9A) 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.

(10) The development shall be completed on or before 30th May 2016.

(11) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(12) The notification referred to in paragraph (11) shall be in writing and shall include—

(a) the name of the developer;
(b) the address or location of the development, and
(c) the date of completion.

Class B

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—

[za] permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);
(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
(b) 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;
(c) 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;
(d) it would consist of or include—

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

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

(e) the dwellinghouse is on article 1(5) land.

Conditions

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

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

(b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

(b) the enlargement shall 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 shall, so far as practicable, be not less than 20 centimetres 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;

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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.

B.4 For the purposes of paragraph B.2(b)(ii), 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.

Class C

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—

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

(a) the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof; or

(b) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

(c) 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.

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 shall 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

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—

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

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

(b) any part of the structure would be more than 3 metres above ground level; or

(c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

Class E

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—

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

(a) 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);

(b) 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;

(c) the building would have more than one storey;

(d) 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;

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

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

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

(h) it relates to a dwelling or a microwave antenna; or

(i) the capacity of the container would exceed 3,500 litres.

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

(a) a World Heritage Site,

(b) a National Park,

(c) an area of outstanding natural beauty, or

(d) the Broads,

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 1(5) 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

Permitted development

F. Development consisting of—
(a) the 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

F.A1 Development is not permitted by Class F where permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use).

Conditions

F.1. 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 shall be made of porous materials, or provision shall be 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

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—
(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);
(a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
(b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
(i) fronts a highway, and

Commented [S88]: Paragraph F.A1 was inserted by 2014 No. 564

Commented [S89]: Paragraph (za) was inserted by 2014 No. 564
(ii) forms either the principal elevation or a side elevation of the dwellinghouse.

Class H

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—

[za] permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

(a) it would result in the presence on the dwellinghouse or within its curtilage of—

   (i) more than two antennas;
   (ii) a single antenna exceeding 100 centimetres in length;
   (iii) two antennas which do not meet the relevant size criteria;
   (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
   (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;

(b) 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;

(c) 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 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or

(d) in the case of article 1(5) land, it would consist of the installation of an antenna—

   (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
   (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
   (iii) on a building which exceeds 15 metres in height.

Conditions

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

   (a) an antenna installed on a building shall, 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 shall be removed as soon as reasonably practicable.

Interpretation of Class H

H.3. The relevant size criteria for the purposes of paragraph H.1(a)(iii) are that:
(a) only one of the antennas may exceed 60 centimetres in length; and
(b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

H.4. The length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

Interpretation of Part 1

I. For the purposes of Part 1—

“raised” in relation to a platform means a platform with a height greater than 300 millimetres; and
“terrace house” means a dwellinghouse situated in a row of three 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 sub-paragraph (a).

Commented [S91]: Part 1 was inserted by 2008 No. 2362 (this amendment includes the "Correction" to 2008 No. 2362).
PART 2
MINOR OPERATIONS

Class A

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 one metre above ground level;
   (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, two metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than one 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, one metre above ground level;
   (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two 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 sub-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 building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.
A.2 For the purposes of Class A, “school” includes—
   (i) premises which have changed use under Class K or MA of Part 3 of this Schedule (changes of use) to become a registered nursery as defined in paragraph O of Part 3; and
   (ii) 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 Class C of Part 4.

Class B
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

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 where 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

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;
(b) face onto and be within two metres of a highway;
(c) be within a site designated as a scheduled monument; or
(d) be within the curtilage of a listed building.

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

Class E

Commented [S95]: Class D was inserted by 2011 No. 2056
Permitted development

E. 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.

Development not permitted

E.1 Development is not permitted by Class E if the upstand and the outlet would—
(a) exceed 1.6 metres in height from the level of the surface used for the parking of vehicles;
(b) be within two metres of a highway;
(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 one upstand being provided for each parking space.

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

Commented [S96]: Class E was inserted by 2011 No. 2056
PART 3

CHANGES OF USE

CHANGES OF USE AND ASSOCIATED OPERATIONAL DEVELOPMENT

Class A

Permitted development

A. Development consisting of a change of the use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink) of that Schedule or from a use for the sale, or display for sale, of motor vehicles.

Class A

Permitted development

A. Development consisting of a change of use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the Schedule.

Development not permitted

A.1 Development is not permitted by Class A during the specified period if the building is a specified building.

Conditions

A.2 (1) In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is permitted by Class A subject to the following conditions.

(2) Before beginning the development the developer shall send a written request to the local planning authority as to whether the building has been nominated, which must include—

(a) the address of the building;

(b) the developer’s contact address; and

(c) the developer’s email address if the developer is content to receive communications electronically.

(3) If the building is nominated, whether at the date of request under paragraph A.2(2) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period.

(4) The development shall not begin before the expiry of a period of 56 days following the date of request under paragraph A.2(2) and must be completed within a period of 1 year of the date of that request.

Interpretation of Class A

30 Class A4 was inserted into the Schedule to the Use Classes Order by S.I. 2005/84.
A.3 For the purposes of Class A—

“community asset” means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012;\(^{31}\)

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011;\(^{32}\)

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

(a) which is a community asset; or

(b) in respect of which the local planning authority has notified the developer of a nomination under paragraph A.2(3);

“specified period” means—

(a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph A.2(3), the period from the date of that notification to the date on which the building is entered onto—

(i) a list of assets of community value; or

(ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;

(b) in relation to a building which is a community asset—

(i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or

(ii) where the building was removed from that list—

(aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or

(bb) under section 92(4)(a) of the Localism Act 2011 following the local authority’s decision on a review that the land concerned should not have been included in the local authority’s list of assets of community value,

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

Class AA

Permitted Development

AA. Development consisting of a change of use of a building to a use falling within Class A3 [restaurants and cafes] of the Schedule to the Use Classes Order from a use falling within Class A4 (drinking establishments) or Class A5 (hot food takeaways) of that Schedule.

Development not permitted

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\(^{31}\) S.I. 2012/2421.

\(^{32}\) 2011 c.20.
AA.1 Development is not permitted by Class AA during the specified period if the building is a specified building.

**Conditions**

AA.2 In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is permitted by Class AA subject to the conditions set out in paragraphs A.2(2) to (4).

**Interpretation of Class AA**

AA.3 For the purposes of Class AA, “community asset”, “specified building” and “specified period” have the meaning given in paragraph A.3.

**Class B**

Permitted development

B. Development consisting of a change of the use of a building—

(a) to a use for any purpose falling within Class B1 (business) of the Schedule to the Use Classes Order from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of that Schedule;

(b) to a use for any purpose falling within Class B8 (storage and distribution) of that Schedule from any use falling within Class B1 (business) or B2 (general industrial).

Development not permitted

B.1. Development is not permitted by Class B where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in the building.

**Class C**

Permitted development

C. Development consisting of a change of use to a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink (restaurants and cafes), Class A4 (drinking establishments) or Class A5 (hot food takeaways) of that Schedule.

Development not permitted

C.1 Development is not permitted by Class C during the specified period if the building is a specified building.

**Conditions**

C.2 In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is...
permitted by Class C subject to the conditions set out in paragraphs A.2(2) to (4).

**Interpretation of Class C**

C.3 For the purposes of Class C, “community asset”, “specified building” and “specified period” have the meaning given in paragraph A.3.

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**Class CA**

**Permitted development**

CA. Development consisting of a change of use of a building and any land within its curtilage to use as a deposit-taker falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, from a use falling within Class A1 (shops) of that Schedule.

**Development not permitted**

CA.1 Development is not permitted by Class CA where—

(a) 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; or

(b) the site is, or contains, a scheduled monument.

**Conditions**

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

(a) a site which has changed use under Class CA is to be used as a deposit-taker and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a deposit-taker;

(b) as soon as reasonably practicable after a change of use under Class CA the developer shall—

(i) notify the local planning authority of the change of use; and

(ii) provide the local planning authority with evidence that the site is being used as a deposit-taker;

(c) a site which has changed use under Class CA to a particular type of deposit-taker use may only change use to another use falling within the definition of “deposit-taker” in paragraph CA.3 if, as soon as reasonably practicable after the change of use, the developer—

(i) notifies the local planning authority of the change of use; and

(ii) provides the authority with evidence that the site is being used as a deposit-taker.

**Interpretation of Class CA**

CA.3 For the purposes of Class CA, “deposit-taker” means an entity with permission under Part 4A (permission to carry on regulated activities) of the Financial Services and Markets Act 2000\(^{33}\) that

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\(^{33}\) 2000 c. 8. Part 4A was inserted by section 11(2) of the Financial Services Act 2012 (c. 21).
includes accepting deposits, including—

(i) a bank;

(ii) a building society within the meaning of section 119(1) (interpretation) of the Building Societies Act 1986;  

(iii) a credit union within the meaning of section 31(1) (interpretation) of the Credit Unions Act 1979; or

(iv) a friendly society within the meaning of section 116 (friendly societies etc.) of the Friendly Societies Act 1992.

Class D

Permitted development

D. Development consisting of a change of use of any premises with a display window at ground floor level to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A2 (financial and professional services) of that Schedule.

Class E

Permitted development

E. Development consisting of a change of the 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

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

(a) the application for planning permission referred to was made before the 5th December 1988;

(b) it would be carried out more than 10 years after the grant of planning permission; or

(c) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

Class F

Permitted development

F. Development consisting of a change of the use of a building—

(a) to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat up to two flats, from a use for any purpose within Class A1 of that Schedule;

(b) to a mixed use for any purpose within Class A2 (financial and professional services) of the

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34 1986 c. 53; to which there are amendments not relevant to this Order.

35 1979 c. 34; to which there are amendments not relevant to this Order.

36 1992 c. 40; to which there are amendments not relevant to this Order.

(Page 54 of 215)
Schedule to the Use Classes Order and as a single flat up to two flats, from a use for any purpose within Class A2 of that Schedule;

(c) where that building has a display window at ground floor level, to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat up to two flats, from a use for any purpose within Class A2 (financial and professional services) of that Schedule.

Conditions

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

(a) some or all of the parts of the building used for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order shall be situated on a floor below the lowest part of the building used as a single 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 shall not be used in whole or in part as the single flat;

(c) the single flat shall 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 six residents living together as a single household (including a household where care is provided for residents).

Interpretation of Class F

F.2. For the purposes of Class F—

“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 G

Permitted development

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

(a) to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A1 of that Schedule and as a single flat up to two flats;

(b) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 of that Schedule and as a single flat up to two flats;

(c) where that building has a display window at ground floor level, to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as a single flat up to two flats.

Development not permitted

G. Development is not permitted by Class G unless the each part of the building used as a single flat was immediately prior to being so used used for any purpose within Class A1 or Class A2 of the Schedule.
to the Use Classes Order.

**Class H**

**Permitted Development**

H. Development consisting of a change of use of a building from use as a casino to a use falling within Class D2 (Assembly and leisure) of the Schedule to the Use Classes Order.

**Commented [S121]:** Class H was inserted by 2006 No. 221

**Class I**

**Permitted development**

I. Development consisting of a change of use of a building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class C4 (houses in multiple occupation) of that Schedule.

**Commented [S122]:** Class I was inserted by 2010 No. 654 and then deleted by 2010 No. 2134

**Class IA**

**Permitted development**

IA. Development consisting of—

(a) a change of use of a building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from—

(i) a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule; or

(ii) a mixed use combining use as a dwellinghouse with a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class F of this Part or otherwise); and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

**Development not permitted**

IA.1 Development is not permitted by Class IA where

(a) the building was not used for one of the uses referred to in Class IA(a) on 20th March 2013 or, if
the building was not in use on that date, when it was last in use;
(b) permission to use the building for a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule has been granted only by this Part;
(c) the cumulative floor space of the existing building changing use under Class IA exceeds 150 square metres;
(d) the development (together with any previous development under Class IA) would result in more than 150 square metres of floor space in the building having changed use under Class IA;
(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);
(g) the building is—
(i) on article 1(5) 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.

Conditions

IA.2 (1) Class IA(a) development is permitted subject to the following conditions—

(a) a building which has changed use under Class IA 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;

(b) before beginning the development, the developer shall 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, and
(iv) 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—

(aa) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(bb) where the building is located in a key shopping area, on the sustainability of that shopping area,

and the provisions of paragraph N of this Part shall apply in relation to any such
application.

(2) Class IA(b) development is permitted subject to the condition that before beginning the development, the developer shall 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 building, and the provisions of paragraph N of this Part shall apply in relation to that application.

(3) Class IA development is permitted subject to the condition that the development shall begin within a period of three years beginning with the date on which—
   (a) any prior approval is granted for that development, or
   (b) the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused,

whichever is the earlier.

Class J

Permitted development

J. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

Development not permitted

J.1 Development is not permitted by Class J where—
   (a) the building is on article 1(6A) land;
   (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
   (c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
   (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 a scheduled monument.

Conditions

J.2 Class J development is permitted subject to the condition that before beginning the development, the developer shall 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; and
   (c) flooding risks on the site,

and the provisions of paragraph N shall apply in relation to any such application.

Commented [S124]: Class IA was inserted by 2014 No. 564

Commented [S125]: Class J was inserted by 2013 No. 1101
Class K

Permitted Development

K. Development consisting of a change of use of a building and any land within its curtilage to use as a state-funded school or a registered nursery from a use falling within Classes B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure) of the Schedule to the Use Classes Order.

Development not permitted

K.1 Development is not permitted by Class K where—

(a) the site is or forms part of a military explosives storage area;
(b) the site is or forms part of a safety hazard area;
(c) the building is a listed building or a scheduled monument.

Conditions

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

(a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule 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 or, as the case may be, as a registered nursery;

(b) before beginning the development, the developer shall 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 N shall apply in relation to any such application.

Class L

Permitted development

L. Development consisting of a change of use of land from a use permitted by Class K to the previous lawful use of the land.

Class M

Permitted development

M. Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule...
to the Use Classes Order.

**Development not permitted**

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

(a) the building has not been solely in agricultural use—

   (i) since 3rd July 2012; or

   (ii) for buildings first brought into use after 3rd July 2012, for ten years;

(b) the building was not used solely for an agricultural use, as part of an established agricultural unit—

   (i) on 3rd July 2012;

   (ii) if the building was not in use on that date, when it was last in use; or

   (iii) if the building was brought into use after that date, for ten years before the date development begins;

(c) the cumulative floor space of buildings which have changed use under Class M within an original agricultural unit exceeds 500 square metres;

(d) the site is or forms part of a safety hazard area;

(e) the building is a listed building or a scheduled monument.

**Conditions**

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

(a) a site which has changed use under Class M may, subject to paragraph M.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 M the site it is to be treated as having a sui generis use;

(c) after a site has changed use under Class M, the planning permissions granted by Class B of Part 41 of Schedule 2 to this Order apply to the building, subject to the following modifications—

   (i) “curtilage” has the meaning given in Class M paragraph O 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 M.

**M.3** Before changing the use of the site under Class M, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer shall—

(a) where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit 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 M within an original agricultural unit established agricultural unit exceeds 150 square
metres and does not exceed 500 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 N shall apply in relation to any such application.

Class MA

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to use as a state-funded school or a registered nursery.

Development not permitted

MA.1 Development is not permitted by Class MA where—

(a) the building was not used solely for an agricultural use, as part of an established agricultural unit—

(i) on 20th March 2013;
(ii) if the building was not in use on that date, when it was last in use; or
(iii) if the building was brought into use after that date, for ten years before the date development 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 MA 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 one 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 MA;

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 since 20th March 2013, or within 10 years before the date development under Class MA begins, whichever is the lesser;

(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;

Commented [S136]: Class M was inserted by 2013 No. 1101
(g) the site is, or contains, a scheduled monument;
(h) the building is a listed building.

**Conditions**

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

(a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule 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 or, as the case may be, as a registered nursery;

(b) after a site has changed use under Class MA, the planning permissions granted by Class B of Part 41 of this Schedule apply to the building, subject to the following modifications—
   (i) “curtilage” has the meaning given in paragraph O of this Part; and
   (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class MA;

(c) before changing the use of the site under Class MA the developer shall 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 or, as the case may be, a registered nursery;

and the provisions of paragraph N of this Part shall apply in relation to any such application;

(d) development shall begin within a period of three years beginning with the date on which—
   (i) any prior approval is granted for that development, or
   (ii) the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused,

whichever is the earlier.

**Class MB**

**Permitted development**

**MB. Development** consisting of—

(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.
Development not permitted

MB.1. Development is not permitted by Class MB where—

(a) the site was not used solely for an agricultural use, as part of an established agricultural unit—

   (i) on 20th March 2013;

   (ii) if the site was not in use on that date, when it was last in use; or

   (iii) if the site was brought into use after that date, for ten years before the date the
development begins;

(b) the cumulative floor space of the existing building or buildings changing use under Class MB
within an established agricultural unit exceeds 450 square metres;

(c) the cumulative number of separate dwellinghouses developed within an established agricultural
unit exceeds three;

(d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord
and the tenant has been obtained;

(e) less than one 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 MB,
unless both the landlord and the tenant have agreed in writing that the site is no longer required
for agricultural use;

(f) 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 since 20th March 2013, or
within 10 years before the date development under Class MB begins, whichever is the lesser;

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

(h) the development (together with any previous development under Class MB) would result in more
than 450 square metres of floor space of building or buildings within an established agricultural
unit having changed use under Class MB;

(i) the development under Class MB(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 MB.1(i)(i);

(j) the site is on article 1(5) land;

(k) 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;

(l) the site is, or contains, a scheduled monument;

(m) the building is a listed building.
Conditions

MB.2 (1) Class MB(a) development is permitted subject to the condition that before beginning the development, the developer shall 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, or
(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 the Schedule to the Use Classes Order,

and the provisions of paragraph N of this Part shall apply in relation to any such application.

(2) Class MB(b) development is permitted subject to the condition that before beginning the development, the developer shall 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 building, and the provisions of paragraph N of this Part shall apply in relation to that application.

(3) Class MB development is permitted subject to the condition that the development shall begin within a period of three years beginning with the date on which—

(a) any prior approval is granted for that development, or
(b) the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused,

whichever is the earlier.

Procedure for applications for prior approval under Part 3

N.— (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 shall 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;

[e] where paragraph (4) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

together with any fee required to be paid.

[2A] 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.

(2B) Paragraphs (3) to (6) and (8) shall not apply where a local planning authority refuses an
application under paragraph (2A).

(3) 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 shall consult—

(a) the Secretary of State for Transport, where the increase or change relates to traffic
    entering or leaving a 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.

(4) Where the application relates to prior approval as to the flooding risks on the site, on receipt of
the application, the local planning authority shall 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 (ze)(ii) in the Table in Schedule 5 to the 2010 Order.

(5) The local planning authority shall notify the consultees referred to in paragraphs (3) and (4)
specifying the date by which they must respond (being not less than 21 days from the date the
notice is given).

(6) The local planning authority shall 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 regarding the
impacts and risks referred to in paragraph J.2, K.2(b) or M.3(b), as the case may be, as the local
planning 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.

(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, 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 operational development;

(8) The local planning authority shall, when determining an application—
(a) take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);
(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012, 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\(^{37}\), and in doing so have regard to the Contaminated Land Statutory Guidance issued by 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.

(9) The development shall not be begun 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 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 shall 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 paragraph (9)(c) applies, in accordance with the details provided in the application referred to in paragraph (1), 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.

Interpretation of Part 3

O. For the purposes of Part 3—


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

“agricultural building” means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse, and “agricultural use” refers to such uses;

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37 1990 c. 43. Part 2A was inserted by section 57 of the Environment Act 1995 (c.25).
38 S.I. 2010/2184; to which there are amendments not relevant to Part 3.
“agricultural tenancy” means a tenancy under—
(i) the Agricultural Holdings Act 198639; or
(ii) the Agricultural Tenancies Act 199540;

“curtilage” means, for the purposes of Class M only—
(i) 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
(ii) where it is not possible to discern such a piece of land, an area of land immediately beside or around the agricultural building no larger than the floor space of the building;

“curtilage” means, for the purposes of Class M, MA or MB only—
(i) 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
(ii) 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—
(i) for the purposes of Class M, on or before 3rd July 2012 or for ten years before the date the development begins; or
(ii) for the purposes of Class MA or MB, on or before 20th March 2013 or for ten years before the date the development begins;

“flexible use” has the meaning given in paragraph M;

“Flood Zone 1”, “Flood Zone 2” and “Flood Zone 3” have the meaning given in Schedule 5 to the 2010 Order;

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and 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 powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect)41;

“network” and “operator”, for the purposes of paragraph N, have the same meaning as in Part I of the Railways Act 1993 (the provision of railway services)42;

“original agricultural unit” means agricultural land which was occupied as a unit for the purposes of agriculture—
(i) the Agricultural Holdings Act 198639; amended by the Housing Act 1988 (c. 50), Education Reform Act 1988 (c. 40), Water Act 1989 (c. 15), Planning (Consequential Provisions) Act 1990 (c. 11), Agricultural Holdings (Amendment) Act 1990 (c. 15), Water Consolidation (Consequential Provisions) Act 1991 (c. 60), Coal Industry Act 1994 (c. 21), Agricultural Tenancies Act 1995 (c. 8), Family Law Act 1996 (c. 27), Trusts of Land and Appointment of Trustees Act 1996 (c. 47), Civil Partnership Act 2004 (c. 33), Charities Act 2006 (c. 50) and Finance Act 2009 (c. 10); and by S.I. 2003/1615, 2006/2805, 2012/1659 and 2013/1036.


40 1995 c. 8; amended by the Arbitration Act 1996 (c. 23), Trusts of Land and Appointment of Trustees Act 1996 (c. 47), Housing Act 1996 (c. 52), Civil Partnership Act 2004 (c. 33) and Legal Services Act (c. 29); and by S.I. 2006/2805 and 2013/1036.

41 See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government), the Department for Transport and National Assembly for Wales (now the Welsh Assembly Government).

42 1993 c. 43; see section 83.
agriculture on 3rd July 2012.

"registered nursery" means non-domestic premises in respect of which a person is registered under Part 3 of the Childcare Act 2006 to provide early years provision.

"safety hazard area" means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“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 5 to the 2010 Order (or any previous powers to the like effect); or

(b) by the Office for Nuclear Regulation for the purposes of paragraph (ea) of that Table.

“site” means the building and any land within its curtilage;

“state-funded school” means a school funded wholly or mainly from public funds, including—

(i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010; or

(ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998; and

“sui generis use” means a use for which no class is specified in the Schedule to the Use Classes Order.

Commented [S150]: The definition of “original agricultural unit” was deleted by 2014 No. 564

Commented [S151]: The definition of “registered nursery” was inserted by 2014 No. 564

Commented [S152]: The definition of “safety hazard area” was replaced by 2014 No. 469

Commented [S153]: Paragraph O (“Interpretation of Part 3”) was inserted by 2013 No. 1101

43 2006 c. 21. Part 3 has been amended by the Education and Inspections Act 2006 (c. 40), Safeguarding Vulnerable Groups Act 2006 (c. 47), Education and Skills Act 2008 (c. 25), Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10); and by S.I. 2008/2833, 2012/976 and 2013/630.

44 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.

45 1998 c. 31.

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PART 4
TEMPORARY BUILDINGS AND USES

Class A

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 shall be removed, and
   (b) any adjoining land on which development permitted by Class A has been carried out shall, as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

Class B

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 referred to in paragraph B.2, 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—
   (a) the land in question is a building or is within the curtilage of a 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) a purpose referred to in paragraph B.2(b) or other motor sports;
      (ii) clay pigeon shooting; or
      (iii) any war game,
      or
   (d) the use of the land is for the display of an advertisement.

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Interpretation of Class B

B.2. The purposes mentioned in Class B above are—

(a) the holding of a market;
(b) motor car and motorcycle racing including trials of speed, and practising for these activities.

B.3. In Class B, “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.

Class C

Permitted development

C. The use of a building and any land within its curtilage as a state-funded school for a single academic year.

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 the Schedule 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;
(e) the building is a specified building and the development is undertaken during the specified period, regardless of whether any approval or notification has been given in accordance with paragraphs C.2(a) or (b).

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;

(aa) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

(i) before beginning the development the developer shall send a written request to the local planning authority as to whether the building has been nominated, which must include:

(aa) the address of the building;

(bb) the developer’s contact address; and

(cc) the developer’s email address if the developer is content to receive communications electronically;

(ii) if the building is nominated, whether at the date of request under sub-paragraph (i) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not
permitted for the specified period;

(iii) the development shall not begin before the expiry of a period of 56 days following the date of request under sub-paragraph (i) and must be completed within a period of 1 year of the date of that request;

(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 Class D1 (non-residential institutions) of the Schedule 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;

(d) the permission is granted for one academic year and it may be used only once in relation to a particular site;

(e) the site reverts to its previous lawful use at the end of the academic year.

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;

“community asset” means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012;46

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011;47

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

“relevant Minister” means the Secretary of State with policy responsibility for schools;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

(a) which is a community asset; or

(b) in respect of which the local planning authority has notified the developer of a nomination under paragraph C.2(aa)(ii);

“specified period” means—

(a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph C.2(aa)(ii), the period from the date of that notification to the date on which the building is entered onto—

(i) a list of assets of community value; or

(ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;

(b) in relation to a building which is a community asset—

(i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or

(ii) where the building was removed from that list—

46 S.I. 2012/2421.
47 2011 c.20.
(aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or

(bb) under section 92(4)(a) of the Localism Act 2011 following the local authority’s decision on a review that the land concerned should not have been included in the local authority’s list of assets of community value,

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

“state-funded school” means a school funded wholly or mainly from public funds, including—

(i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 201048,

(ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 199849.

Class D

Permitted development

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

(a) to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,

(b) from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule, for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses.

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;

(f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a).

48 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.

49 1998 c. 31.
Conditions

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

(a) the developer shall 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 two year period referred to in paragraph D the site shall be 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 two 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;

(f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, the conditions set out in paragraphs C.2(aa)(i) to (iii) shall apply.

Interpretation of Class D

D.3 For the purposes of Class D “flexible use” has the meaning given in paragraph D(a). “community asset”, “specified building” and “specified period” have the meaning given in paragraph C.3.

Interpretation of Part 4

E. For the purposes of Part 4—


“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and 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 powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect);

“safety hazard area” means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“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 5 to the 2010 Order (or any previous powers to the like effect); or

(b) by the Office for Nuclear Regulation for the purposes of paragraph (ea) of that Table.

“site” means the building and any land within its curtilage.

Commented [S165]: Replaced by 2015 No. 659

Commented [S166]: Paragraph (f) was inserted by 2015 No. 659

Commented [S167]: The words “and “community asset” ... in paragraph C.3.” were inserted by 2015 No. 659

Commented [S168]: Class D was inserted by 2013 No. 1101

Commented [S169]: The definition of “safety hazard area” was deleted by 2014 No. 469

Commented [S170]: The definition of “safety hazard area” was inserted by 2014 No. 469

Commented [S171]: The “Interpretation of Part 4” was inserted by 2013 No. 1101

50 S.I. 2010/2184; to which there are amendments not relevant to Part 4.

51 See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the
PART 5
CARAVAN SITES

Class A

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 shall be discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site shall be 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

Permitted development
B. Development required by the conditions of a site licence for the time being in force under the 1960 Act.
PART 6
AGRICULTURAL BUILDINGS AND OPERATIONS

Class A 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;
(aa) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph O of Part 3 of this Schedule) where development under Class MA or MB of Part 3 (changes of use) has been carried out within a period of ten years ending with the date on which development under Class A(a) begins;
(b) it would consist of, or include, the erection, extension or alteration of a dwelling;
(c) it would involve the provision of a building, structure or works not designed for agricultural purposes;
(d) 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; or
(ii) any building erected or extended or altered by virtue of Class A, would exceed 465 square metres, calculated as described in paragraph D.2 below;
(e) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
(f) 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;
(g) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
(h) 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; or
(i) it would involve excavations or engineering operations on or over article 1(6) land which are connected with fish farming.
(j) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—
Conditions

A.2. 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 shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below 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 shall not be moved off the unit;

(c) waste materials shall not be 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 shall be incorporated forthwith into the building or works in question.

(2) Subject to 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.4 below, exceeds 0.5 hectare); 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 shall, 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 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 shall 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 shall not be begun 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 his 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;

(iv) (aa) where the local planning authority give the applicant notice that such prior approval is required the applicant shall 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;

(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 (aa) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development shall, 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 shall be carried out—

(aa) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;

(bb) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (d)(ii).

(3) The conditions in paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 1(6) 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 ten 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 III of the Act, for development for purposes other than agriculture, within three 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, shall be removed from the land and the land shall, 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 paragraph 5(b), within the period described in that paragraph, that period shall be extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), the developer shall notify the local planning authority, in writing and within 7 days, of the date on which the development was substantially completed.
Class B 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 hectare 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; or
(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.

(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.

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 10%;
(c) any part of any new building would be more than 30 metres from the original building;

[ca] it would consist of the extension or provision of any agricultural building on an established agricultural unit (as defined in paragraph O of Part 3 of this Schedule) where development under Class MA or MB of Part 3 (changes of use) has been carried out within a period of ten years ending with the date on which development under Class B(a) begins;

Commented [S176]: Inserted by 2012 No. 748

Commented [S177]: Inserted by 2014 No. 564
(d) the development would involve the extension, alteration or provision of a dwelling;
(e) any part of the development would be carried out within 5 metres of any boundary of the unit; or
(f) the ground area of any building extended by virtue of Class B(a) would exceed 465 square metres.

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 465 square metres calculated as described in paragraph D.2 below.

B.4. Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.

Conditions

B.5. 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, shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below 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.6. Development consisting of the extension or alteration of a building situated on article 1(6) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—
    (a) the condition that the developer shall, 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 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) above.

B.7. 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.

B.8. 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 ten 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 III of the Act, for development for purposes other than agriculture, within three 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, shall be removed from the land and the land shall, 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 B.8(a)(ii), within the period described in that paragraph, that period shall be extended until the appeal is finally determined or withdrawn.

(c) The developer shall notify the local planning authority in writing and within 7 days, of the date on which the development was substantially completed.

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 shall be 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 Part 6

D.1. For the purposes of Part 6—

“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;

Commented [S179]: Inserted by 1997 No. 366
“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 apt; but does not include—
(i) a building within the agricultural unit; or
(ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;
“significant extension” and “significant alteration” mean any extension or alteration 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;
“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.

D.2. For the purposes of Part 6—
(a) an area calculated as described in this paragraph 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 two years and any part of which would be within 90 metres of the proposed development;
(b) 400 metres is to be measured along the ground.

D.3. The circumstances referred to in paragraphs A.2(1)(a) and B.5 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—
(aa) quarantine requirements; or
(bb) 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—
(aa) because they are sick or giving birth or newly born; or
(bb) to provide shelter against extreme weather conditions.

D.4. For the purposes of paragraph A.2(2)(c), 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.

D.5. In paragraph A.2(2)(iv), “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 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,
(e) the name and address of the local planning authority,
and which is signed and dated by or on behalf of the applicant.

D.6. 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 two 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.

D.7. 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.

D.8 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.

D.9 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.
PART 7
FORESTRY BUILDINGS AND OPERATIONS

Class A

Permitted development

A. 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

A.1. Development is not permitted by Class A 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; or
(c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road.
(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.

A.2. (1) Subject to 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 A subject to the following conditions—

(a) the developer shall, 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 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 shall 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 shall not be begun 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 his 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 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) (i) where the local planning authority give the applicant notice that such prior approval is required the applicant shall 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 sub-paragraph (i) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(e) the development shall, 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;

(f) the development shall be carried out—

(i) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given,

(ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-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) Paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 1(6) land except in the case of a significant extension or a significant alteration.

Interpretation of Class A

A.3. For the purposes of Class A—

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.

“significant extension” and “significant alteration” mean any extension or alteration 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 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.
PART 8
INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class A

Permitted development

A. The extension or alteration of an industrial building or a warehouse.

Development not permitted

A.1. Development is not permitted by Class A if—
(a) the building as extended or altered is to be used for purposes other than those of the undertaking concerned;
(b) the building is to be used for a purpose other than—
   (i) in the case of an industrial building, the carrying out of an industrial process or the provision of employee facilities;
   (ii) in the case of a warehouse, storage or distribution or the provision of employee facilities;
(c) the height of the building as extended or altered would exceed the height of the original building;
(d) the cubic content of the original building would be exceeded by more than—
   (i) 10%, in respect of development on any article 1(5) land, or
   (ii) 25%, in any other case;
(e) the floor space of the original building would be exceeded by more than—
   (i) 500 square metres in respect of development on any article 1(5) land, or
   (ii) 1,000 square metres in any other case;
(f) the external appearance of the premises of the undertaking concerned would be materially affected;
(g) any part of the development would be carried out within 5 metres of any boundary of the curtilage of the premises; or
(h) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Conditions

A.2. Development is permitted by Class A subject to the conditions that any building extended or altered—
(a) shall only be used—
   (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking or the provision of employee facilities;
   (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities;
(b) shall not be used to provide employee facilities between 7.00 p.m. and 6.30 a.m. for employees other than those present at the premises of the undertaking for the purpose of their employment;
(c) shall not be used to provide employee facilities if a notifiable quantity of a hazardous substance is
present at the premises of the undertaking.

Interpretation of Class A

A.3. For the purposes of Class A—

(a) the erection of any additional building within the curtilage of another building (whether by virtue of Class A 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 two 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;

(c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including creche facilities provided for the children of such employees.

Class B

Permitted development

B. 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

B.1. Development described in Class B(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 B

B.2. In Class B, “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 C

Permitted development

C. 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.
Class D

Permitted development

D. 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

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

Interpretation of Part 8

E. For the purposes of Part 8, in Classes A and C—

“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 but does not include a building on land in or adjacent to and
occupied together with a mine; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the
Schedule to the Use Classes Order but does not include a building on land in or adjacent to and
occupied together with a mine.

Commented [S183]: Part 8 was deleted by 2010 No. 654
PART 8
INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Class A

Permitted development

A. The erection, extension or alteration of an industrial building or a warehouse.

Development not permitted

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

(a) the height of any part of the new building erected would exceed—
   (i) if within ten metres of a boundary of the curtilage of the premises, five metres;
   (ii) in all other cases, the height of the highest building within the curtilage of the premises or
        15 metres, whichever is lower;

(b) the height of the building as extended or altered would exceed—
   (i) if within ten metres of a boundary of the curtilage of the premises, five metres;
   (ii) in all other cases, the height of the building being extended or altered;

(c) any part of the development would be within five metres of any boundary of the curtilage of the
    premises;

(d) subject to paragraph (da), the gross floor space of any new building erected would exceed 100
    square metres;

(da) until 30th May 2016 for a building not on article 1(5) land nor on a site of special scientific
     interest the gross floor space of any new building erected would exceed 200 square metres;

(e) subject to paragraph (ea), the gross floor space of the original building would be exceeded by
    more than—
   (i) 10% in respect of development on any article 1(5) land or 25% in any other case; or
   (ii) 500 square metres in respect of development on any article 1(5) land or 1,000 square
        metres in any other case;

     whichever is the lesser;

(ea) until 30th May 2016, the gross floor space of the original building would be exceeded by more
    than—
   (i) 10% in respect of development on any article 1(5) land, 25% in respect of development
       on a site of special scientific interest and 50% in any other case; or
   (ii) 500 square metres in respect of development on any article 1(5) land or 1,000 square
        metres in any other case;

     whichever is the lesser;

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

(a) the development must be within the curtilage of an existing industrial building or warehouse;

(b) any building as erected, extended or altered shall only 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 shall be used to provide employee facilities—

(i) between 7.00 pm and 6.30 am, for employees other than those present at the premises of the undertaking for the purpose of their employment, or

(ii) at all, if a notifiable quantity of a hazardous substance is present at the premises of the undertaking;

(d) any new building erected shall, in the case of article 1(5) land, be 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 shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

A.2A—(1) The following conditions apply to development permitted by Class A which—

(a) exceeds the limit in paragraph A.1(d) but is allowed by paragraph A.1(da); or

(b) exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).

(2) The development shall be completed on or before 30th May 2016.

(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

(a) the name of the developer,

(b) the address or location of the development,

(c) a description of the development, including measurements and calculations relevant to the requirements of paragraphs A.1(da) and (ea), and

(d) the date of completion.

Interpretation of Class A

A.3. For the purposes of Class A—

(a) where two 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;

(b) “original building” does not include any building erected at any time under Class A;

(c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees;

(d) “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; and

(c) “warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.

Class B

Permitted development

B. 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

B.1. Development described in Class B(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 B

B.2. In Class B, “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 C

Permitted development

C. 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

C.1. Development is not permitted by Class C if the development would be within the curtilage of a listed building.
Conditions

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

(a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;

(b) in all other cases, either—

(i) the hard surface shall be made of porous materials, or

(ii) provision shall be 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.

Interpretation of Class C

C.3. In Class C—

“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; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.

Class D

Permitted development

D. 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

D.1. Development is not permitted by Class D 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.
PART 9
REPAIRS TO UNADOPTED STREETS AND PRIVATE WAYS

Class A

Permitted development
A. 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 A
A.1. For the purposes of Class A—

“unadopted street” means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 198052.

52 1980 c. 66.
PART 10
REPAIRS TO SERVICES

Class A

Permitted development
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
DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDERS

Class A

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\(^{53}\) (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours)

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

Condition
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.

Prior approvals
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. In Class A, “appropriate authority” means—
   (a) in Greater London or a metropolitan county, the local planning authority,
   (b) in a National Park in England, outside a metropolitan county, the county planning authority,

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\(^{53}\) 1964 c. 40; section 14 was amended by paragraph 2, and sections 14 and 16 were amended by paragraphs 3, 4 and 14, of Schedule 6 to, and by Part II of Schedule 12 to, the Transport Act 1981 (c. 56); section 14 was amended by paragraph 1, and section 16 was amended by paragraph 2, of Schedule 3 to the Transport and Works Act 1992 (c. 42).
(c) in any other case in England, the district planning authority\(^{54}\).

[d) in Wales, the local planning authority.\(^{54}\)

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\(^{54}\) For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.
PART 12
DEVELOPMENT BY LOCAL AUTHORITIES

Class A

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by 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, and similar structures or works required in connection with the operation of any public service administered by them.

Interpretation of Class A

A.1. For the purposes of Class A—

"urban development corporation" has the same meaning as in Part XVI of the Local Government, Planning and Land Act 198055 (urban development).

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 A

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by 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.

Interpretation of Class A

55 1980 c. 65.

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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\(^\text{56}\) (urban development).

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.

Interpretation of Part 12

C.  For the purposes of Part 12—

“local authority” includes a parish or community council.

\(^{56}\) 1980 c. 65.

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PART 13
DEVELOPMENT BY LOCAL HIGHWAY AUTHORITIES

Class A

Permitted development

A. The carrying out by a local highway authority 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.

A. The carrying out by a local 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) 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.

PART 13
DEVELOPMENT BY HIGHWAY AUTHORITIES

Class A

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)\(^5\) 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.

Class B

Permitted development

B. The carrying out by the Secretary of State of works in exercise of his functions under the Highways Act 1980\(^5\), or works in connection with, or incidental to, the exercise of those functions.

Class B

\(^5\) Section 55(2)(b) was amended by the Planning and Compulsory Purchase Act 2004 (c. 5), section 118 and paragraph 2 of Schedule 6.

\(^5\) 1980 c. 66.
B. Permitted Development

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, or works in connection with, or incidental to, the exercise of those functions.

B.1 Interpretation of Class B

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.\(^{59}\)

\(^{59}\) 2015 c.7.

Commented [S197]: Class B was replaced by 2015 No. 377.

Commented [S198]:

IMPORTANT NOTE:

This version of Part 13 applies only in the case of the Crown (see 2006 No. 1282).

In all other cases (i.e. generally), the alternative version above applies.
PART 14
DEVELOPMENT BY DRAINAGE BODIES

Class A

Permitted development
A. Development by a drainage body 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.

Interpretation of Class A
A.1. For the purposes of Class A—

“drainage body” has the same meaning as in section 72(1) of the Land Drainage Act 1991 (interpretation) other than the National Rivers Authority, the Environment Agency and the Natural Resources Body for Wales.

Commented [S199]: The words “National Rivers Authority” were replaced with “Environment Agency” by 1996 No. 593.

Commented [S200]: The words “the Environment Agency” were replaced with “the Environment Agency and the Natural Resources Body for Wales” by 2013 No. 755.
PART 15

DEVELOPMENT BY THE NATIONAL RIVERS AUTHORITY ENVIRONMENT AGENCY

DEVELOPMENT BY THE ENVIRONMENT AGENCY AND THE NATURAL RESOURCES BODY FOR WALES

Class A

Permitted development

A. Development by the National Rivers Authority Environment Agency, for the purposes of their functions by the Environment Agency or the Natural Resources Body for Wales for the purposes of their respective 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[^61] (power to make ordinary and emergency drought orders),

(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.

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(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 A(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.

[^61]: 1991 c. 57.

Condition

[^201]: The words “National Rivers Authority” were replaced with “Environment Agency” by 1996 No. 593

[^202]: The words “Development by the Environment Agency” were replaced with “Development by the Environment Agency and the Natural Resources Body for Wales” by 2013 No. 755

[^203]: The words “National Rivers Authority” were replaced with “Environment Agency” by 1996 No. 593

[^204]: The words “by the Environment Agency, for the purposes of their functions” were replaced with “by the Environment Agency or the Natural Resources Body for Wales for the purposes of their respective functions” by 2013 No. 755

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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 six months from the commencement of the development concerned, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be 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 16
DEVELOPMENT BY OR ON BEHALF OF SEWERAGE UNDERTAKERS

Class A

Permitted development
A. 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) 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);
   (e) 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.

Development not permitted
A.1. Development is not permitted by Class A(e) if—
   (a) 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
   (b) 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(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 shall cease and all such buildings, plant, machinery and
       apparatus shall be 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 A
A.3. For the purposes of Class A—
       “associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus
       associated with the relevant sewer, main or pipe;

(Page 104 of 215)
“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.
PART 17
DEVELOPMENT BY STATUTORY UNDERTAKERS

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 in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—
   (a) for the purposes of shipping, or
   (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.

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,
   (b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—
      (i) an educational building, or

Commented [S205]: For details of how Part 17 applies to the Hinkley Point C (Nuclear Generating Station), see 2013 No. 648. As the latter Order does not directly amend the GPDO 1995, it is not incorporated into this consolidated version.

Commented [S206]: For details of how Part 17 applies to various harbours, see 2005 No. 1138, 2007 No. 684, 2008 No. 1261, 2010 No. 2020, 2011 No. 950, and 2012 No. 1914. As these Orders do not directly amend the GPDO 1995, they are not incorporated into this consolidated version.

Commented [S207]: For details of how Part 17 Class A applies to the London Cable Car, see 2012 No. 472. As the latter Order does not directly amend the GPDO 1995, it is not incorporated into this consolidated version.
(ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

Interpretation of Class B

B.2. For the purposes of Class B, 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 the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964\textsuperscript{62} (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours), and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945\textsuperscript{63}.

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\textsuperscript{64} (classification of the Board’s waterways) 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.

Class D Dredgings

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 Water or hydraulic power undertakings

Permitted development

E. 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

\textsuperscript{62} 1964 c. 40; section 14 was amended by paragraph 2, and sections 14 and 16 were amended by paragraphs 3, 4 and 14, of Schedule 6 to, and by Part II of Schedule 12 to, the Transport Act 1981 (c. 56); section 14 was amended by paragraph 1, and section 16 was amended by paragraph 2, of Schedule 3 to the Transport and Works Act 1992 (c. 42).

\textsuperscript{63} 1945 c. 18 (9 and 10 Geo. 6).

\textsuperscript{64} 1968 c. 73.
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 199165 (power to make ordinary and emergency drought orders),
(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.

Development not permitted
E.1. Development is not permitted by Class E if—
(a) in the case of any Class E(a) development, it would include the construction of a reservoir,
(b) in the case of any Class E(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 E(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 E(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
E.2. Development is permitted by Class E(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of six months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant, machinery and apparatus shall be 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).

Permitted development
F. Development by a public gas supplier 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 196566 (storage authorisation orders), 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 III of the Act (control over development);

(e) the erection on operational land of the public gas supplier public 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 public gas supplier public gas transporter.

Development not permitted

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

(a) in the case of any Class F(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 F(c) development—

(i) the borehole is shown in an order approved by the Secretary of State for Trade and Industry for the purpose of section 4(6) of the Gas Act 1965; or

(ii) any plant or machinery would exceed 6 metres in height, or

(c) in the case of any Class F(e) development, the building would exceed 15 metres in height, or

(d) in the case of any Class F(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

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

(a) in the case of any Class F(a) development, not less than eight weeks before the beginning of operations to lay a notifiable pipe-line, the public gas supplier public gas transporter shall 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 F(d) development, on completion of the laying or construction of the

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66 1965 c. 36; section 4 was amended by paragraph 6 of Schedule 7, and Part I of Schedule 9, to the Gas Act 1986 (c. 44), and by paragraph 12 of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11).
main or pipe, or at the expiry of a period of nine months from the beginning of the development, whichever is the sooner, any pipes or other apparatus still stored on the land shall be 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),

(c) in the case of any Class F(e) development, approval of the details of the design and external appearance of the building shall 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 in England, outside a metropolitan county, the county planning authority,

(iii) in any other case in England, the district planning authority, or

(iv) in Wales, the local planning authority.

Class G Electricity undertakings

Permitted development

G. Development by statutory undertakers for the generation, transmission 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 telecommunications line 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 undertaking or 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.

Development not permitted

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

(a) in the case of any Class G(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) 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

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67 For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

68 1989 c. 29.
chamber would exceed 29 cubic metres in capacity;

(b) in the case of any Class G(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 telecommunications line would exceed 1,000 metres in length;

(c) in the case of any Class G(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 1(5) 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 1(5) land, by more than 500 square metres;

(d) in the case of any Class G(e) development, the building would exceed 15 metres in height, or

(e) in the case of any Class G(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.

Conditions

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

(a) in the case of any Class G(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 G(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 six months from the completion of the installation (whichever is the sooner) the temporary electric line shall be removed and the land on which any operations have been carried out to install that line shall be restored as soon as reasonably practicable to its condition before the installation took place;

(c) in the case of any Class G(c) development, on the completion of that development, or at the end of a period of six months from the beginning of that development (whichever is the sooner) any plant or machinery installed shall be removed and the land shall be restored as soon as reasonably practicable to its condition before the development took place;

(d) in the case of any Class G(e) development, approval of details of the design and external appearance of the buildings shall be obtained, before development is begun, from—
   (i) in Greater London or a metropolitan county, the local planning authority,
   (ii) in a National Park in England, outside a metropolitan county, the county planning authority,
(iii) in any other case in England, the district planning authority,69.
(iv) in Wales, the local planning authority.

Interpretation of Class G

G.3. For the purposes of Class G(a), “electric line” has the meaning assigned to that term by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1).

G.4. For the purposes of Class G(b), “electrical plant” has the meaning assigned to that term by the said section 64(1) and “telecommunications line electronic communications line” means a wire or cable (including its casing or coating) which forms part of a telecommunication apparatus an electronic communications apparatus within the meaning assigned to that term by paragraph 1 of Schedule 2 to the Telecommunications Act 198470 (the telecommunications code electronic communications code).

G.5. For the purposes of Class G(d), (e) and (f), the land of the holder of a licence under section 6(2) of the Electricity Act 1989 (licences authorising supply etc.) shall be treated as operational land if it would be operational land within section 263 of the Act71 (meaning of “operational land”) if such licence holders were statutory undertakers for the purpose of that section.

Class H Tramway or road transport undertakings

Permitted development

H. Development 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.

Development not permitted

H.1. Development is not permitted by Class H if it would consist of—

(a) in the case of any Class H(a) development, the installation of a structure exceeding 17 cubic metres in capacity,

69 For cases where functions have been transferred from the county council to the district council or vice versa see regulation 5 of the Local Government Changes for England Regulations 1994 (S.I. 1994/867) and section 1 of the Act.

70 1984 c. 12.

71 Section 263 was amended by paragraph 23 of Schedule 6 to the Planning and Compensation Act 1991 (c. 34).
(b) in the case of any Class H(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,

(iii) development, not wholly within a bus or tramway station, in pursuance of powers contained in transport legislation.

Class I Lighthouse undertakings

Permitted development

I. Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894\(^\text{72}\) 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 1894 Act.

Development not permitted

I.1. Development is not permitted by Class I 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 J Post Office Universal Services Providers

Permitted development

J. Development required for the purposes of the Post Office, a universal service provider (within the meaning of the Postal Services Act 2000 Part 3 of the Postal Services Act 2011) in connection with the provision of a universal postal service (within the meaning of that Act) 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.

Development not permitted

J.1. Development is not permitted by Class J 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.

\(^{72}\) 1894 c. 60.

(Page 113 of 215)
Interpretation of Part 17

K. For the purposes of Part 17—

“transport legislation” means section 14(1)(d) of the Transport Act 1962\(^3\) (supplemental provisions relating to the Boards' powers) or section 10(1)(x) of the Transport Act 1968\(^4\) (general powers of Passenger Transport Executive).

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\(^3\) 1962 c. 46.
\(^4\) 1968 c. 73.
PART 18
AVIATION DEVELOPMENT

Class A Development at an airport

Permitted development

A. 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

A.1. Development is not permitted by Class A 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;
   (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition

A.2. Development is permitted by Class A 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 A.4.

Interpretation of Class A

A.3. For the purposes of paragraph A.1, floor space shall be calculated by external measurement and without taking account of the floor space in any pier or satellite.

A.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 B Air navigation development at an airport

Permitted development

B. 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—

(a) the provision of air traffic control services,
(b) the navigation of aircraft using the airport, or
(c) the monitoring of the movement of aircraft using the airport.

Class B Air traffic services development at an airport

Permitted development
B. 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 C Air navigation development near an airport

Permitted development
C. 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—

(a) the provision of air traffic control services,
(b) the navigation of aircraft using the airport, or
(c) the monitoring of the movement of aircraft using the airport.

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

(a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, with assisting the navigation of aircraft, or with monitoring the movement of aircraft using the airport;
(b) any building erected would exceed a height of 4 metres;
(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 C Air traffic services development near an airport

Permitted development
C. 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
C.1. Development is not permitted by Class C 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;
(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 D Development by Civil Aviation Authority within an airport

**Permitted development**

D. The carrying out by the Civil Aviation Authority or its agents, within the perimeter of an airport at which the Authority provides air traffic control services, of development in connection with—

(a) the provision of air traffic control services,
(b) the navigation of aircraft using the airport, or
(c) the monitoring of the movement of aircraft using the airport.

Class D Development by an air traffic services licence holder within an airport

**Permitted development**

D. 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 E Development by the Civil Aviation Authority for air traffic control and navigation

**Permitted development**

E. The carrying out on operational land of the Civil Aviation Authority by the Authority or its agents of development in connection with—

(a) the provision of air traffic control services,
(b) the navigation of aircraft, or
(c) monitoring the movement of aircraft.

**Development not permitted**

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

(a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, assisting the navigation of aircraft or monitoring the movement of aircraft;
(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.

Commented [S230]: Class C was replaced by 2001 No. 4050

Commented [S231]: Class D was replaced by 2001 No. 4050
Class E Development by an air traffic services licence holder on operational land

Permitted development
E. 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
E.1. Development is not permitted by Class E 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 F Development by the Civil Aviation Authority in an emergency

Permitted development
F. The use of land by or on behalf of the Civil Aviation Authority in an emergency to station moveable apparatus replacing unserviceable apparatus.

Condition
F.1. Development is permitted by Class F subject to the condition that on or before the expiry of a period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be 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 F Development by an air traffic services licence holder in an emergency

Permitted development
F. 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
F.1. Development is permitted by Class F subject to the condition that on or before the expiry of a period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be 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 G Development by the Civil Aviation Authority for air traffic control etc.

Commented [S232]: Class E was replaced by 2001 No. 4050

Commented [S233]: Class F was replaced by 2001 No. 4050
Permitted development

G. The use of land by or on behalf of the Civil Aviation Authority to provide services and facilities in connection with—

(a) the provision of air traffic control services,
(b) the navigation of aircraft, or
(c) the monitoring of aircraft,

and the erection or placing of moveable structures on the land for the purpose of that use.

Condition

G.1. Development is permitted by Class G subject to the condition that, on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be 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 G Development by an air traffic services licence holder involving moveable structures

Permitted development

G. 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

G.1. Development is permitted by Class G subject to the condition that, on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be 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 H Development by the Civil Aviation Authority for surveys etc.

Permitted development

H. 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

H.1. Development is permitted by Class H subject to the condition that on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be 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 I Use of airport buildings managed by relevant airport operators

Permitted development

I. 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 18

J. For the purposes of Part 18—

- “air traffic services” has the same meaning as in section 98 of the Transport Act 2000 (air traffic services);
- “air traffic services licence holder” means a person who holds a licence under Chapter I of Part I of the Transport Act 2000;
- “operational building” means 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 V of the Airports Act 1986 (status of certain airports as statutory undertakers etc.) applies; and
- “relevant airport operator” means a relevant airport operator within the meaning of section 57 of the Airports Act 1986 (scope of Part V).

Commented [S235]: Inserted by 2001 No. 4050
PART 19
DEVELOPMENT ANCILLARY TO MINING OPERATIONS

Class A

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 D.1(b) applies, unless a plan of that land
           was deposited with the mineral planning authority 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.

**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 shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) the land shall be 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**

**Permitted development**

B. The carrying out, on land used as a mine or on ancillary mining land, with the prior approval of the mineral planning authority, 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 D.1(b) applies, unless a plan of that land was deposited with the mineral planning authority 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.

B.2. The prior approval referred to in Class B shall 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.

Condition

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 shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) the land shall be 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

Permitted development

C. The carrying out with the prior approval of the mineral planning authority 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 199476 (interpretation).

Prior approvals

C.2. (1) The prior approval of the mineral planning authority to development permitted by Class C 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 paragraph (3).

(2) The approval referred to in Class C shall 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

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(b) the proposed development ought to be, and could reasonably be, sited elsewhere.

(3) The limits referred to in paragraph C.2(1)(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.

Interpretation of Part 19

D.1. An area of land is an approved site for the purposes of Part 19 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) above.

D.2. For the purposes of Part 19—

“active access” means a surface access to underground workings which is in normal and regular use
for the transportation of minerals, materials, spoil or men;

“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 III of the Act (control over development);

“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;

“the prior approval of the mineral planning authority” means prior written approval of that 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;

“underground mine” is a mine at which minerals are worked principally by underground methods.
PART 20
COAL MINING DEVELOPMENT BY THE COAL AUTHORITY AND LICENSED OPERATORS

Class A

Permitted development
A. 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
A.1. Development is permitted by Class A subject to the following conditions—
   (a) subject to sub-paragraph (b)—
      (i) except in a case where there is an approved restoration scheme or mining operations have permanently ceased, the developer shall, before 31st December 1995 or before any later date which the mineral planning authority 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 shall be 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 shall be subject to conditions that—
         (aa) reinstatement or restoration, if any, shall 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 sub-paragraph (a)(i) has been finally determined, whichever is later, and
         (bb) aftercare, if any, in respect of any part of a site, shall be carried out throughout the period of five 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 sub-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 shall be removed from any land which is an authorised site unless the mineral planning authority have otherwise agreed in writing, and
         (bb) that land shall, so far as practicable, be 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 sub-paragraph (v);
the period referred to in sub-paragraph (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 sub-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 sub-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), have been determined, and

(bb) any time for appealing under section 78 (right to appeal against planning decisions and failure to take such decisions), or applying or further applying under section 288, of the Act (where there is a right to do so) has expired;

(b) sub-paragraph (a) shall not apply to land in respect of which there is an extant planning permission which—

(i) has been granted on an application under Part III of the Act, and

(ii) has been implemented.

Interpretation of Class A

A.2. For the purposes of Class A—

“a licensee of the Coal Authority” means any person who is for the time being authorised by a licence under Part II 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;

“approved restoration scheme” means a restoration scheme which is approved when an application made under paragraph A.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;

“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 A to the use of anything in connection with any such operations shall 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 or plans 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, 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.

Class B

Permitted development

B. 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 B

B.1. For the purposes of Class B—
“designated seam area” has the same meaning as in paragraph A.2 above;
“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; 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) to carry on coal-mining operations to which section 25 of that Act applies.

Class C

Permitted development

C. 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

C.1. Development is not permitted by Class C 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

77 S.I. 1988/1813; Schedule 2 to the Town and Country Planning General Development Order 1988 is revoked by this Order.
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 F.2(1)(b) applies, and a plan of that land had not been deposited with the mineral planning authority before 5th June 1989.

Conditions

C.2. Development is permitted by Class C 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 C shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and

(b) the land shall, 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 mineral planning authority and the developer.

Class D

Permitted development

D. 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 and with the prior approval of the mineral planning authority.

Development not permitted

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

(a) it would be for the purpose of creating a new surface access or improving an existing access (which is not an active access) to underground workings; or

(b) it would be carried out on land to which the description in paragraph F.2(1)(b) applies, and a plan of that land had not been deposited with the mineral planning authority before 5th June 1989.

Condition

D.2. Development is permitted by Class D 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 D shall be removed from the land, unless the mineral planning authority have otherwise agreed in writing; and
(b) the land shall, 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 mineral planning authority and the developer.

Interpretation of Class D

D.3. The prior approval referred to in Class D shall 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 E

Permitted development

E. The carrying out by the Coal Authority or a licensed operator, with the prior approval of the mineral planning authority, 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.

Prior approvals

E.1. (1) The prior approval of the mineral planning authority to development permitted by Class E 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 paragraph (3).

(2) The approval referred to in Class E shall 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.

(3) The limits referred to in paragraph E.1(1)(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.

**Interpretation of Part 20**

**F.1.** For the purposes of Part 20—

“active access” means a surface access to underground workings which is in normal and regular use for the transportation of coal, materials, spoil or men;

“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 shall 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;

“licensed operator” has the same meaning as in section 65 of the Coal Industry Act 1994;

“normal and regular use” means use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery; and

“prior approval of the mineral planning authority” means prior written approval of that authority of detailed proposals for the siting, design and external appearance of the proposed building, plant or machinery, structure or erection as erected, installed, extended or altered.

**F.2.** (1) Subject to sub-paragraph (2), land is an authorised site for the purposes of Part 20 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.

(2) For the purposes of sub-paragraph (1), 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 21
WASTE TIPPING AT A MINE

Class A

Permitted development
A. 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
A.1. Development is not permitted by Class A 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;
   (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
A.2. Development is permitted by Class A 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, the developer shall, if the mineral planning authority so require, within three months or such longer period as the authority may specify, submit a waste management scheme for that authority’s approval;
   (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 shall be carried out in accordance with the scheme as approved.

Interpretation of Class A
A.3. For the purposes of Class A—
   “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 III of the Act (control over development); 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 A.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 III 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.

Class B

Permitted development
B. 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
B.1. Development is not permitted by Class B unless it is in accordance with a relevant scheme approved by the mineral planning authority before 5th December 1988.

Interpretation of Class B
B.2. For the purposes of Class B—

“coal-mining operations” has the same meaning as in section 65 of the Coal Industry Act 1994\(^78\)(interpretation).

Interpretation of Part 21
C. For the purposes of Part 21—

“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 III of the Act (control over development), 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.

\(^{78}\) 1994 c. 21.
PART 22
MINERAL EXPLORATION

Class A

Permitted development
A. 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
A.1. Development is not permitted by Class A 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;
   (c) any operation would be carried out within a National Park, an area of outstanding natural
       beauty, a site of archaeological interest or a site of special scientific interest;
   (d) any explosive charge of more than 1 kilogram would be used;
   (e) any excavation referred to in paragraph A(c) would exceed 10 metres in depth or 12 square
       metres in surface area;
   (f) in the case described in paragraph A(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 12 metres in height, or, where the structure
       would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
   (a) no operations shall be carried out between 6.00 p.m. and 7.00 a.m.;
   (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on
       the land likely to harm or damage any trees, unless the mineral planning authority have so agreed
       in writing;
   (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be
       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 A and any waste material arising from other
               development so permitted shall be removed from the land,
any borehole shall be adequately sealed,  
(iii) any other excavation shall be filled with material from the site,  
(iv) the surface of the land on which any operations have been carried out shall be levelled  
and any topsoil replaced as the uppermost layer, and  
(v) the land shall, so far as is practicable, be restored to its condition before the development  
took place, including the carrying out of any necessary seeding and replanting.

Class B

Permitted development
B. 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
B.1. Development is not permitted by Class B if—
   (a) it consists of the drilling of boreholes for petroleum exploration;  
   (b) the developer has not previously notified the mineral planning authority in writing of his 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 paragraph B(c) would exceed 10 metres in depth or 12 square  
   metres in surface area; or  
   (f) any structure assembled or provided would exceed 12 metres in height.

Conditions
B.2. Development is permitted by Class B subject to the following conditions—
   (a) the development shall be carried out in accordance with the details in the notification referred to  
in paragraph B.1(b), unless the mineral planning authority have otherwise agreed in writing;  
   (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on  
the land likely to harm or damage any trees, unless specified in detail in the notification referred to  
in paragraph B.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 shall be  
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 B and any waste material arising from other
development so permitted shall be removed from the land,

(ii) any borehole shall be adequately sealed,

(iii) any other excavation shall be filled with material from the site,

(iv) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer, and

(v) the land shall, so far as is practicable, be restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting, and

(e) the development shall cease no later than a date six months after the elapse of the relevant period, unless the mineral planning authority have otherwise agreed in writing.

Interpretation of Class B

B.3. For the purposes of Class B—

“relevant period” means the period elapsing—

(a) where a direction is not issued under article 7, 28 days after the notification referred to in paragraph B.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 7, 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.

Interpretation of Part 22

C. For the purposes of Part 22—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral; and

“structure” includes a building, plant or machinery.
PART 23
REMOVAL OF MATERIAL FROM MINERAL-WORKING DEPOSITS

Class A

Permitted development
A. The removal of material of any description from a stockpile.

Class B

Permitted development
B. The removal of material of any description from a mineral-working deposit other than a stockpile.

Development not permitted
B.1. Development is not permitted by Class B if—
   (a) the developer has not previously notified the mineral planning authority in writing of his 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 Part 6 of this Schedule or any Class in a previous development order which it replaces.

Conditions
B.2. Development is permitted by Class B subject to the following conditions—
   (a) it shall be carried out in accordance with the details given in the notice sent to the mineral planning authority referred to in paragraph B.1(a) above, unless that authority have agreed otherwise in writing;
   (b) if the mineral planning authority so require, the developer shall within a period of three 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 shall be restored and aftercare shall be carried out in accordance with the provisions of the approved scheme;
   (d) development shall not be commenced until the relevant period has elapsed.

Interpretation of Class B
B.3. For the purposes of Class B—
   “appropriate details” means the nature of the development, the exact location of the mineral-working deposit from which the material would be removed, the proposed means of vehicular access to the site at which the development is to be carried out, and 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 7, 28 days after the notification referred to in paragraph B.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 7, 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 23

C. For the purposes of Part 23—

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale.
PART 24

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS

Class A

Permitted development

A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator’s telecommunication system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of—

(a) the installation, alteration or replacement of any telecommunication apparatus,

(b) the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunication 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 is not permitted by Class A(a) if—

(a) in the case of the installation of apparatus (other than on a building or other structure) 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 or other structure), 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 or other structure, the height of the apparatus (taken by itself) would exceed—

(i) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height, or

(ii) 10 metres, in any other case;

(d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than—

(i) 10 metres, in the case of a building or structure which is 30 metres or more in height;

(ii) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height;

(iii) 6 metres in any other case;

(dd) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs A.1 (a), (b), (c) and (dd), and for the purposes of applying the limit specified in sub-paragraph (c), the words “(taken by itself)” shall be omitted;

(e) in the case of the installation, alteration or replacement of any apparatus other than—

(i) a mast,
(ii) an antenna,
(iii) a public call box,
(iv) any apparatus which does not project above the level of the surface of the ground, or
(v) radio equipment housing,
the ground or base area of the structure would exceed 1.5 square metres;
(f) in the case of the installation, alteration or replacement of an antenna on a building or structure
(other than a mast) which is less than 15 metres in height, on a mast located on such a building or
structure; or, where the antenna is to be located below a height of 15 metres above ground level,
on a building or structure (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 or structure 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 of the dishes on the building, structure or mast would exceed 1.5 metres, when
measured in any dimension;
(iii) in the case of antennas other than dish antennas, the development (other than the
installation, alteration or replacement of one small antenna) would result in the presence
on the building or structure of more than two antenna systems; or
(iv) the building or structure is a listed building or a scheduled monument;
(g) in the case of the installation, alteration or replacement of an antenna on a building or structure
(other than a mast) which is 15 metres or more in height, or on a mast located on such a building
or structure, 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 of the dishes on the building, structure or mast would exceed 3.5 metres, when
measured in any dimension;
(ii) in the case of antenna systems other than dish antennas, the development (other than the
installation, alteration or replacement of a maximum of two small antennas) would result
in the presence on the building or structure of more than three antenna systems; or
(iii) the building or structure is a listed building or a scheduled monument;
(h) in the case of development of any article 1(5) land (other than the installation, alteration or
replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse),
in the case of development (other than the installation, alteration or replacement of one small
antenna on a dwellinghouse or within the curtilage of a dwellinghouse) of any article 1(5) land or
of any land which is, or is within, a site of special scientific interest, it would consist of—
(i) the installation or alteration of an antenna or of any apparatus which includes or is
intended for the support of such an antenna; or
(ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which
differs from that which is being replaced,
unless the development is carried out in an emergency;
(i) 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
198979—(definitions of driver information systems, etc.);
(j) in the case of the installation of a mast, on a building or structure which is less than 15 metres in
height, such a mast would be within 20 metres of a highway.

79 1989 c. 22.
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 telecommunication apparatus;

(ii) the development would exceed 90 cubic metres or, if located on the roof of a building, 30 cubic metres;

(iii) on any article 1(5) land, it would exceed 2 cubic metres, unless the development is carried out in an emergency;

(iv) on any article 1(5) land, or on any land which is, or is within, a site of special scientific interest, the development would exceed 2.5 cubic metres, unless the development is carried out in an emergency;

or

(i) it would consist of the installation, alteration or replacement of any telecommunication apparatus on, or within the curtilage of, a dwellinghouse.

(j) in the case of the installation, alteration or replacement on article 1(5) land of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse, the antenna is to 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;

(m) in the case 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 —

(i) the building is on article 1(5) land;

(ii) the building is less than 15 metres in height, and the development would result in the presence on that building of more than one such antenna; or

(iii) the building is 15 metres or more in height, and the development would result in the presence on that building of more than two such antennas.

Conditions

A.2. (1) Class A(a) and Class A(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 shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A(a) and Class A(c) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated.
(a) if such development was carried out on any article 1(5) land in an emergency, at the expiry of the relevant period, or

(b) if such development was carried out in an emergency on any article 1(5) land or on any land which is, or is within, a site of special scientific interest, at the expiry of the relevant period, or

in any other case, as soon as reasonably practicable after it is no longer required for telecommunication purposes, and such land, building or structure shall be 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) Class A(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

(4) Class A development on

(a) article 1(5) land (unless carried out in an emergency), or

(b) any other land and consisting of the construction, installation, alteration or replacement of a mast or a public call box, or of radio equipment housing with a volume in excess of 2 cubic metres, or of development ancillary to radio equipment housing,

is permitted subject to the following conditions—

(i) where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer shall notify the Civil Aviation Authority or the Secretary of State for Defence, as appropriate, of the proposal, before making the application required by sub-paragraph (ii);

(ii) before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development;

(iii) the application shall be accompanied—

(aa) by a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid; and

(bb) where sub-paragraph (i) applies, by evidence that the Civil Aviation Authority or the Secretary of State for Defence, as the case may be, has been notified of the proposal;

(iv) the development shall not be begun 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 gives the applicant notice that such prior approval is required, the giving of such approval to the applicant within 28 days following the date on which they received his application; or

(cc) the expiry of 28 days following the date on which the local planning authority...
received the application, without the local planning authority making any determination as to whether such approval is required, notifying the applicant of their determination, or giving or refusing approval to the siting or appearance of the development;

the development shall not be begun 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) where the local planning authority gives the applicant written notice that such prior approval is required, the giving of that approval to the applicant, in writing, within a period of 28 days beginning with the date on which they received his application;

(c) where the local planning authority gives the applicant written notice that such prior approval is required, the expiry of a period of 28 days beginning with the date on which the local planning authority received his application without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or

(d) the expiry of a period of 28 days beginning with the date on which the local planning authority received the application without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required;

(v) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval has been given as mentioned in sub-paragraph (iv)(bb), in accordance with the details approved;

(bb) in any other case, in accordance with the details submitted with the application;

and

(vi) the development shall be begun—

(aa) where prior approval has been given as mentioned in sub-paragraph (iv)(bb), not later than the expiration of five years beginning with the date on which approval was given;

(bb) in any other case, not later than the expiration of five years beginning with the date on which the local planning authority were given the information referred to in sub-paragraph (iii).

Class A development consisting of:

(a) the construction, installation, alteration or replacement of a mast (other than on a building or structure); or

(b) such development carried out in conjunction with any development specified in paragraph A.2(4)(b)

is permitted subject, except in a case of emergency, to the following conditions—

(i) where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer shall notify the Civil Aviation Authority or the Secretary of State for Defence, as appropriate, of the proposal, before making the application required by sub-paragraph (iii);

(ii) the developer shall 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 a period of not less than 21 days beginning with the date on which the application required by sub-paragraph (iii) is made to the local planning authority (provided that, where the site notice is
without any fault or intention of the developer, removed, obscured or defaced before the end of the 21 day period, the developer shall be treated as having complied with the requirements of this sub-paragraph if he has taken reasonable steps for the protection of the notice and, if need be, its replacement;

(iii) before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development;

(iv) the application shall be accompanied—

(a) by a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid; and

(b) where sub-paragraph (i) applies, by evidence that the Civil Aviation Authority or the Secretary of State for Defence, as the case may be, has been notified of the proposal; and

(c) a copy of the site notice displayed in accordance with sub-paragraph (ii), and a plan indicating where it is displayed;

(v) the development shall not be begun 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) where the local planning authority gives the applicant written notice that such prior approval is required, the giving of that approval to the applicant, in writing, within a period of 42 days beginning with the date on which they received his application;

(c) where the local planning authority gives the applicant written notice that such prior approval is required, the expiry of a period of 42 days beginning with the date on which the local planning authority received his application without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or

(d) the expiry of a period of 42 days beginning with the date on which the local planning authority received the application without the local planning authority notifying the applicant in writing of their determination as to whether such prior approval is required;

(vi) the development shall, 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 (v)(bb), in accordance with the details approved;

(b) in any other case, in accordance with the details submitted with the application;

(vii) the development shall be begun—

(a) where prior approval has been given as mentioned in sub-paragraph (v)(bb), not later than the expiration of five years beginning with the date on which approval was given;

(b) in any other case, not later than the expiration of five years beginning with the date on which the local planning authority were given the information referred to in sub-paragraph (iv).

(5) In a case of emergency, development on any article 1(5) land is permitted by Class A subject to the condition that the operator shall give written notice to the local planning authority of such development as soon as possible after the emergency begins.
Interpretation of Class A

A.3. For the purposes of Class A—

“antenna system” means a set of antennas installed on a building or structure and operated by a single telecommunications code system operator in accordance with his licence;

“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 radio equipment housing;

“development in accordance with a licence” means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions, relating to the application of that code imposed by the terms of his licence;

“land controlled by an operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term of not less than 10 years;

“mast” means a radio mast or a radio tower;

“relevant period” means a period which expires—

(i) six months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class A(a) or Class A(c) or from the commencement of the use permitted by Class A(b), as the case may be, or

(ii) when the need for such apparatus, structure or use ceases, whichever occurs first;

“site notice” means a notice signed and dated by or on behalf of the applicant and containing—

(a) the name of the applicant;

(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);

(d) 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 to the siting and appearance of the development;

(e) the name and address of the local planning authority;

(f) a statement that the application shall be available for public inspection at the offices of the local planning authority during usual office hours;

(g) 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; and

(h) the address to which such representations should be made and the date by which they should be made.

“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 50 centimetres 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 (b) and (c) shall exclude any feed element, reinforcing rim mountings and brackets.

“telecommunication apparatus” means any apparatus falling within the definition of that term in...
paragraph 1 of Schedule 2 to the Telecommunications Act 1984 ("the 1984 Act")\(^\text{80}\) (the telecommunications code), and includes radio equipment housing;

"the telecommunications code" means the code contained in Schedule 2 to the 1984 Act;

"telecommunications code-system operator" means a person who has been granted a licence under section 7 of the 1984 Act (power to license systems) which applies the telecommunications code to him in pursuance of section 10 of that Act (the telecommunications code); and

"telecommunication system" has the meaning assigned to that term by section 4(1) of the 1984 Act (meaning of "telecommunication system" and related expressions).

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\(^80\) 1984 c. 12.

Commented [S258]: Part 24 was deleted by 2001 No. 2718

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PART 24

DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS ELECTRONIC COMMUNICATIONS CODE OPERATORS

Class A

Permitted development

A. Development by or on behalf of a telecommunications code system operator electronic communications code operator for the purpose of the operator’s telecommunication system electronic communications network in, on, over or under land controlled by that operator or in accordance with his licence or in accordance with the electronic communications code, consisting of—

(a) the installation, alteration or replacement of any telecommunication apparatus electronic communications apparatus,

(b) the use of land in an emergency for a period not exceeding six months to station and operate moveable telecommunication apparatus electronic communications apparatus required for the replacement of unserviceable telecommunication apparatus 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

A1. Development is not permitted by Class A(a) if—

(a) in the case of the installation of apparatus (other than on a building or other structure) 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 or other structure), 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;

(ba) in the case of the alteration or replacement of an existing mast (other than on a building or other structure, on article 1(5) land or on any land which is, or is within, a site of special scientific interest)—

(i) the mast, excluding any antenna, would when altered or replaced—

(aa) exceed a height of 20 metres above ground level;

(bb) at any given height exceed the width of the existing mast at the same height by more than one third; or

(ii) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third;

(c) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) would exceed—

(i) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or

(ii) 10 metres in any other case;
(d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than—

(i) 10 metres, in the case of a building or structure which is 30 metres or more in height;

(ii) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height; or

(iii) 6 metres in any other case;

(e) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs A.1(a), (b), (ba), (c) and (d), and for the purposes of applying the limit specified in sub-paragraph (c), the words "(taken by itself)" shall be omitted;

(f) in the case of the installation, alteration or replacement of any apparatus other than—

(i) a mast,

(ii) an antenna,

(iii) a public call box,

(iv) any apparatus which does not project above the level of the surface of the ground, or

(v) radio equipment housing,

the ground or base area of the structure would exceed 1.5 square metres;

(g) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is less than 15 metres in height; on a mast located on such a building or structure; or, where the antenna is to be located below a height of 15 metres above ground level, on a building or structure (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 or structure 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 of the dishes on the building, structure or mast would exceed 4.5 metres, when measured in any dimension;

(iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna) would result in the presence on the building or structure of more than two antenna systems; or

(iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna or a maximum of two small cell antennas) would result in the presence on the building or structure of—

(aa) more than three antenna systems; or

(bb) any antenna system operated by more than three electronic communications code operators; or

(iv) the building or structure is a listed building or a scheduled monument;

(h) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is 15 metres or more in height, or on a mast located on such a building or structure, 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 of the dishes on the building, structure or mast would exceed 10 metres, when measured in any dimension;
(ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of two small antennas) would result in the presence on the building or structure of more than three antenna systems; or

(a) more than five antenna systems; or

(b) any antenna system operated by more than three electronic communications code operators; or

(iii) the building or structure is a listed building or a scheduled monument;

(i) in the case of development (other than the installation, alteration or replacement of one small antenna on a dwellinghouse or within the curtilage of a dwellinghouse) on any article 1(5) land or any land which is, or is within, a site of special scientific interest, it would consist of—

(i) the installation or alteration of an antenna or of any apparatus which includes or is intended for the support of such an antenna; or

(ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency or is allowed by paragraphs (ia), (m), (n), or (p);

(ia) in the case of the installation of an additional antenna on existing electronic communications apparatus on a building or structure (including a mast) on any article 1(5) land—

(i) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed three; or

(ii) in the case of antennas other than dish antennas, any additional antennas would exceed 3 metres in height, and the number of additional antennas on the building or structure would exceed three;

(j) 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\(^1\) (definitions of driver information systems etc.);

(k) in the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a highway;

(l) 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 telecommunication apparatus electronic communications apparatus;

(ii) 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

(iii) on any article 1(5) land, or on any land which is, or is within, a site of special scientific interest, the any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency;

(m) in the case of the installation, alteration or replacement on a dwellinghouse or within the curtilage of a dwellinghouse of any telecommunication apparatus electronic communications apparatus that apparatus—

(i) is not a small antenna;

\(^1\) 1989 c. 22.
(ii) being a small antenna, would result in the presence on that dwellinghouse or within the curtilage of that dwellinghouse of more than one such antenna; or

(iii) being a small antenna, is to be located on a roof or on a chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively;

(n) in the case of the installation, alteration or replacement on article 1(5) land of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse, the antenna is to 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;

(o) in the case 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—

(i) the building is on article 1(5) land;

(ii) the building is less than 15 metres in height, and the development would result in the presence on that building of more than one such antenna; or

(iii) the building is 15 metres or more in height, and the development would result in the presence on that building of more than two such antennas;

(p) in the case of the installation, alteration or replacement of a small cell antenna on a building or structure which is not a dwellinghouse or within the curtilage of a dwellinghouse—

(i) the building or structure is on any land which is, or is within, a site of special scientific interest; or

(ii) the development would result in the presence on the building or structure of more than two such antennas.

**Conditions**

A.2. (1) Class A(a) and Class A(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 shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A(a) and Class A(c) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated—

(a) if such development was carried out in an emergency on any article 1(5) land or on any land which is, or is within, a site of special scientific interest, at the expiry of the relevant period, or

(b) in any other case, as soon as reasonably practicable after it is no longer required for telecommunication purposes, and such land, building or structure shall be 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) Class A(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

Commented [S280]: Paragraph (p) was inserted by 2013 No. 1868

Commented [S281]: The words "telecommunication purposes" were replaced with "electronic communications purposes" by 2003 No. 2155
Subject to paragraph (4A), Class A development—

(a) on article 1(5) 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 a public call box; 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 A.3.

Subject to paragraph (4A), class A development—

(a) on article 1(5) land or land which is, or is within, a site of special scientific interest, or

(b) on any other land and consisting of—

(i) a mast;

(ii) 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 6 metres or more;

(iii) a public call box;

(iv) radio equipment housing, where the volume of any single development is in excess of 2.5 cubic metres,

is permitted subject, except in case of emergency, to the conditions set out in A.3.

4A) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 1(5) 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, provided that the development is completed on or before 30th May 2018.

A.3. (1) The developer shall give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates, or a tenant, before making the application required by paragraph (3)—

(a) by serving a developer’s notice on every such person whose name and address is known to him; and

(b) where he 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 shall notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before making the application required by paragraph (3).

(3) Before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting and appearance of the development.

(4) The application shall be accompanied—

(a) by a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid;

(aa) by the developer’s contact address, and the developer’s email address if the developer has one.
(b) where paragraph (1) applies, by evidence that the requirements of paragraph (1) have been satisfied; and

(c) where paragraph (2) applies, by evidence that the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as the case may be, has been notified of the proposal.

(5) Subject to paragraphs (7)(c) and (d), upon receipt of the application under paragraph (4) the local planning authority shall—

(a) for development which, in their opinion, falls within a category set out in the table of article 10 of the Procedure Order, 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 shall give the consultees at least 14 days within which to comment;

(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 III of the Wildlife and Countryside Act 198182 (public rights of way) applies, shall give notice of the proposed development, in the appropriate form set out in Schedule 3 to the Procedure Order—

(i) (aa) 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) (bb) 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, shall give notice of the proposed development, in the appropriate form set out in Schedule 3 to the Procedure Order—

(i) (aa) 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

(bb) by serving notice on any adjoining owner or occupier, and

(ii) by local advertisement;

(d) in the case of development which does not fall within (b) or (c), shall give notice of the proposed development, in the appropriate form set out in Schedule 3 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 the notice on any adjoining owner or occupier.

(6) The local planning authority shall take into account any representations made to them as a result of consultations or notices given under A.3, when determining the application made under paragraph (3).

(7) The development shall not be begun 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) where the local planning authority gives the applicant written notice that such prior

82 1981 c. 69.
approval is required, the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which they received his application;

(c) where the local planning authority gives the applicant written notice that such prior approval is required, the expiry of a period of 56 days beginning with the date on which the local planning authority received his application without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or

(d) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.

(8) The development shall, except to the extent that the local planning authority otherwise agree in writing—

(a) where prior approval has been given as mentioned in paragraph (7)(b) in accordance with the details approved;

(b) in any other case, in accordance with the details submitted with the application.

(8A) The agreement in writing referred to in paragraph (8) requires no special form of writing, and in particular 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.

(9) The development shall be begun—

(a) where prior approval has been given as mentioned in paragraph (7)(b), not later than the expiration of five years beginning with the date on which the approval was given;

(b) in any other case, not later than the expiration of five years beginning with the date on which the local planning authority were given the information referred to in paragraph (4).

(10) In a case of emergency, development is permitted by Class A subject to the condition that the operator shall give written notice to the local planning authority of such development as soon as possible after the emergency begins.

Interpretation Of Class A

A.4. For the purposes of Class A—

“aerodrome operator” means the person for the time being having the management of an aerodrome or, in relation to a particular aerodrome, the management of that aerodrome;

“antenna system” means a set of antennas installed on a building or structure and operated by a single telecommunications code system operator electronic communications code operator in accordance with his licence;

“antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code;

“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;

“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—

(i) security equipment;

(ii) perimeter walls and fences; and

(iii) handrails, steps and ramps;
“development in accordance with a licence” means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions, relating to the application of that code by the terms of his licence;

“developer’s notice” means a notice signed and dated by or on behalf of the developer and containing—

(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 and 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 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 shall be 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.

[electronic communications apparatus”, “electronic communications code” and “electronic communications service” have the same meaning as in the Communications Act 2003];

[existing electronic communications apparatus” means electronic communications apparatus which is already sending or receiving electronic communications;]

[“existing mast” means a mast with attached electronic communications apparatus which existed and was sending or receiving electronic communications at 3rd May 2013;]

“land controlled by the operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term of not less than 10 years;

“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated;

“mast” means a radio mast or a radio tower;

[narrowband] means a service or connection providing data speeds up to 128 k bit/s;

“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 seven years remain unexpired;

“Procedure Order” means the Town and Country Planning (General Development Procedure) Order 1995;

“relevant period” means a period which expires—

(i) six months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class A(a) or Class A(c) or from the commencement of the use permitted by Class A(b), as the case may be, or

(ii) when the need for such apparatus, structure or use ceases.

83 2003 c. 21.
84 S.I. 1995/419.
whichever occurs first;

“site display” means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“small antenna” means an antenna which—

(i) is for use in connection with a telephone system operating on a point to fixed multi-point basis;

(ii) does not exceed 50 centimetres in any linear measurement; and

(iii) does not, in two-dimensional profile, have an area exceeding 1,591 square centimetres, and any calculation for the purposes of (ii) and (iii) shall exclude any feed element, reinforcing rim mountings and brackets;

“small cell antenna” means an antenna which—

(i) operates on a point to multi-point or area basis in connection with an electronic communications service;

(ii) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;

(iii) does not, in any two dimensional measurement, have a surface area exceeding 5,000 square centimetres; and

(iv) does not have a volume exceeding 50,000 cubic centimetres, and any calculation for the purposes of (iii) and (iv) shall include any power supply unit or casing, but shall exclude any mounting, fixing, bracket or other support structure;

“telecommunication apparatus” means apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the Telecommunications Act 198448 (“the 1984 Act”) (the telecommunications code), and includes radio equipment housing;

“the telecommunications code” means the code contained in Schedule 2 to the 1984 Act;

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act (power to license systems) which applies the telecommunications code to him in pursuance of section 10 of that Act (the telecommunications code);

“telecommunications system” has the meaning assigned to that term by section 4(1) of the 1984 Act (meaning of “telecommunication system” and related expressions);

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which the application relates.

**A.4A.** 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.

85 1984 c. 12, section 10 was amended by S.I. 1997/2930.
A.4B. Nothing in paragraph A.4A extends the permission in Class A to include the installation, alteration or replacement of anything mentioned in paragraph A.4A(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.4A.
PART 25
OTHER TELECOMMUNICATIONS DEVELOPMENT

Class A

Permitted development

A. 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

A.1. Development is not permitted by Class A if—
   
   (a) the building is a dwellinghouse or the building or other structure is within the curtilage of a dwellinghouse;
   
   (b) it would consist of development of a kind described in paragraph A of Part 24;
   
   (c) the development would result in the presence on the building or structure of more than two microwave antennas;
   
   (d) in the case of a satellite antenna, the size of the antenna, including its supporting structure but excluding any projecting feed element, would exceed 90 centimetres (1.3 metres);
   
   (e) in the case of a terrestrial microwave antenna—
      
      (i) the size of the antenna, when measured in any dimension but excluding any projecting feed element, would exceed 1.3 metres; and
      
      (ii) 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;
   
   (f) it is on article 1(5) land; or
   
   (g) 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.).

A.1. Development is not permitted by Class A 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 paragraph A of Part 24;
   
   (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 more than four antennas;
   
   (e) in the case of an antenna installed on a chimney, the length of the antenna would exceed 60cm;
   
   (f) in all other cases, the length of the antenna would exceed 130cm;

86 1989 c. 22.
87 1989 c. 22.

(Page 156 of 215)
(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 three metres higher than the highest part of the building or structure on which it is installed or is to be installed;
(i) in the case of article 1(5) 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;

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
   (a) the antenna shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed;
   (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed from the building or structure as soon as reasonably practicable.

A.3. The length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.

Class B

Permitted development
B. The installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a satellite antenna 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 other structure is within the curtilage of a dwellinghouse;
   (b) it would consist of development of a kind described in paragraph A of Part 24;
   (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) the size of the antenna (excluding any projecting feed element, reinforcing rim, mountings or brackets) when measured in any dimension would exceed 90 centimetres—
      (i) 90 centimetres in the case of an antenna to be installed on a building or structure on article 1(4) land;
      (ii) 70 centimetres in any other case;
   (e) the highest part of an antenna to be installed on a roof would, when installed, exceed in height the highest part of the roof;
   (f) there is any other satellite antenna on the building or other structure on which the antenna is to be
installed;

(g) it would consist of the installation of an antenna on a chimney;
(h) it would consist of the installation of an antenna on a wall or roof slope which fronts a waterway in the Broads, or a highway elsewhere.

(b) it would consist of the installation of an antenna on a wall or roof slope which fronts a highway;
(i) in the Broads, it would consist of the installation of an antenna on a wall or roof slope which fronts a waterway.

B.1. Development is not permitted by Class B 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 paragraph A of Part 24;
(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 two antennas;
   (ii) a single antenna exceeding 100 centimetres in length;
   (iii) two antennas which do not meet the relevant size criteria;
   (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60cm;
   (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 60cm measured from the highest part of the ridge tiles of the roof, whichever is the lowest;
(g) in the case of article 1(5) 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

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

(a) the antenna shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed;
(b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed from the building or structure as soon as reasonably practicable;
(c) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable.

B.3. The relevant size criteria for the purposes of paragraph B.1(d)(iii) are that:
(a) only one of the antennas may exceed 60 centimetres in length; and
(b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

B.4. The length of an antenna is to be measured in any linear direction and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.
PART 26
DEVELOPMENT BY THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND

Class A

Permitted development
A. Development by or on behalf of the Historic Buildings and Monuments Commission for England, 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;
   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 shall be removed at the expiry of a period of six 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 the Historic Buildings and Monuments Commission for England or owned, controlled or managed by them.
PART 27
USE BY MEMBERS OF CERTAIN RECREATIONAL ORGANISATIONS

Class A

Permitted development

A. 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

A.1. Development is not permitted by Class A if the land is a building or is within the curtilage of a dwellinghouse.

Interpretation of Class A

A.2. For the purposes of Class A—

“recreational organisation” means an organisation holding a certificate of exemption under section 269 of the Public Health Act 193688 (power of local authority to control use of moveable dwellings).

88 1936 c. 49.
PART 28
DEVELOPMENT AT AMUSEMENT PARKS

Class A

Permitted development

A. 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

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

A.2. For the purposes of Class A—
   “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 sideshows; 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 shall be regarded as an amusement park; and
   “booths or stalls” includes buildings or structures similar to booths or stalls.
PART 29
DRIVER INFORMATION SYSTEMS

Class A

Permitted development
A. The installation, alteration or replacement of system apparatus by or on behalf of a driver information system operator.

Development not permitted
A.1. Development is not permitted by Class A 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;
   (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 two microwave antennas.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
   (a) any system apparatus shall, so far as practicable, be sited so as to minimise its effect on the external appearance of any building or other structure on which it is installed;
   (b) any system apparatus which is no longer needed for a driver information system shall be removed as soon as reasonably practicable.

Interpretation of Class A
A.3. For the purposes of Class A—
   “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 198989 (operators’ licences); and
   “system apparatus” has the meaning assigned to that term by section 8(6) of that Act (definitions of driver information systems etc.).

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89 1989 c. 22.
PART 30
TOLL ROAD FACILITIES

Class A

Permitted development

A. 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

A.1. Development is not permitted by Class A 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;
   (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

A.2. In the case of any article 1(5) land, development is permitted by Class A subject to the following conditions—
   (a) the developer shall, 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 to the siting, design and external appearance of the facilities for the collection of tolls;
   (b) the application shall 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 shall not be begun 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 his 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 shall, 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

(e) the development shall be carried out—

(i) where approval has been given by the local planning authority, within a period of five years from the date on which the approval was given;

(ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (b).

Interpretation of Class A

A.3. For the purposes of Class A—

“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 I of the New Roads and Street Works Act 1991790 (new roads in England and Wales); and

“toll road” means a road which is the subject of a toll order.

790 1991 c. 22.
PART 31
DEMOLITION OF BUILDINGS

Class A

Permitted development
A. Any building operation consisting of the demolition of a building.

Development not permitted
A.1 Development is not permitted by Class A where

(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
(b) it is practicable to secure safety or health by works of repair or works for affording temporary support.

A.1 Development is not permitted by Class A where

(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; or
(b) the demolition is “relevant demolition” for the purposes of section 196D of the Act91 (demolition of an unlisted etc building in a conservation area); or
(c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

Conditions
A.2 Development is permitted by Class A 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 shall, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;
(b) where the demolition does not fall within sub-paragraph (a) and is not excluded demolition—
   (i) the developer shall, 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 to the method of demolition and any proposed restoration of the site;
   (ii) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site; and
   (bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated.

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91 Section 196D was inserted into the Town and Country Planning Act 1990 (c. 8) by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).
(ii) the application shall be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with sub-paragraph (iii) and any fee required to be paid;

(ii) an application described in sub-paragraph (b)(i)(aa) shall be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with sub-paragraph (b)(iii) and any fee required to be paid;

(iia) a request described in sub-paragraph (b)(i)(bb) must include the address of the building, the developer’s contact address and, if the developer is content to receive communications electronically, the developer’s email address;

(iii) subject to sub-paragraph (iv), the applicant shall display a site notice by site display on or near the land on which the building to be demolished is sited and shall 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;

(iv) 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 (iii) has elapsed, he shall be treated as having complied with the requirements of that sub-paragraph if he has taken reasonable steps for protection of the notice and, if need be, its replacement;

(iv-a) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under sub-paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

(v) the development shall not be begun 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 his 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;

(v-a) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of sub-paragraphs (b)(v) and (vii), the development shall not begin before the expiry of a period of 56 days following the date of request under sub-paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request;

(vi) the development shall, 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

(vii) subject to sub-paragraph (b)(va), the development shall be carried out—

(aa) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;

(bb) in any other case, within a period of five years from the date on which the local
planning authority were given the information referred to in sub-paragraph (ii).

**Interpretation of Class A**

A.3. For the purposes of Class A—

- "community asset" means a building which has been entered onto a list of assets of community value including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012.\(^{92}\)

  "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 III of the Act (control over development),
  
  (aa) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument consent);
  
  (ab) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent);
  
  (b) required or permitted to be carried out by or under any other enactment, or
  
  (c) required to be carried out by virtue of a relevant obligation;

  "list of assets of community value" means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011;\(^{95}\)

  "nomination" means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

  "prior approval event" means, in relation to a particular development—
  
  (i) the giving of prior approval by the local planning authority in relation to the matters in paragraph A.2(b)(i)(aa);
  
  (ii) a determination that such approval is not required to be given, or
  
  (iii) the expiry of the period for giving such a determination without the applicant being notified whether prior approval is required, given or refused;

  "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), or under section 299A of the Act (Crown planning obligations);
  
  (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; and

  "site notice" means a notice containing—
  
  (a) the name of the applicant,

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\(^{92}\) S.I. 2012/2421.
\(^{93}\) 1979 c. 46
\(^{94}\) 1990 c. 9
\(^{95}\) 2011 c. 20.
\(^{96}\) 1991 c. 34.
\(^{97}\) Section 299A was inserted by section 12(3) of the Planning and Compensation Act 1991 (c. 34).
b) a description, including the address, of the building or buildings which it is proposed 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 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.

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

(a) which is a community asset; or

(b) in respect of which the local planning authority has notified the developer of a nomination under paragraph A.2(b)(iva);

“specified period” means—

(a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph A.2(b)(iva), the period from the date of that notification to the date on which the building is entered onto—

(i) a list of assets of community value; or

(ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;

(b) in relation to a building which is a community asset—

(i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or

(ii) where the building was removed from that list—

(aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or

(bb) under section 92(4)(a) of the Localism Act 2011 following the local authority’s decision on a review that the land concerned should not have been included in the local authority’s list of assets of community value,

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

Class B

Permitted development
B. 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
B.1 Development is not permitted by Class B where the demolition is “relevant demolition” for the
purposes of section 196D of the Act\footnote{Section 196D was inserted into the Town and Country Planning Act 1990 (c. 8) by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).} (demolition of an unlisted etc building in a conservation area).

\footnotetext[98]{Section 196D was inserted into the Town and Country Planning Act 1990 (c. 8) by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).}
PART 32
SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

Class A

Permitted development

A. The erection on the site of any school, college, university or hospital of any building required for use as part of, or for a purpose incidental to the use of, the school, college, university or hospital as such, as the case may be.

Development not permitted

A.1. Development is not permitted by Class A—
   (a) unless—
      (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the site is for the provision of education, or
      (ii) in the case of hospital buildings, the predominant use of the existing buildings on the site is for the provision of any medical or health services;
   (b) where the cumulative total floor space of any buildings erected on a particular site (other than the original school, college, university or hospital buildings) would exceed 10% of the total floor space of the original school, college, university or hospital buildings on that site;
   (c) where the cumulative total cubic content of buildings erected on a particular site (other than the original school, college, university or hospital buildings) would exceed 250 cubic metres;
   (d) where any part of a building erected would be within 20 metres of the boundary of the site;
   (e) where, as a result of the development, any land, used as a playing field immediately before the development took place, could no longer be so used.

Condition

A.2. Development is permitted by Class A subject to the condition that, in the case of any article 1(5) land, any materials used shall be of a similar appearance to those used for the original school, college, university or hospital buildings.

Interpretation of Class A

A.3. For the purposes of Class A—
   “cumulative total floor space” or “cumulative total cubic content”, as the case may be, of buildings erected, includes the total floor space or total cubic content of any existing buildings previously erected at any time under Class A; and
   “original school, college, university or hospital buildings” means any school, college, university or hospital buildings, as the case may be, other than any buildings erected at any time under Class A.
PART 32
SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

Class A

Permitted development
A. The erection, extension or alteration of a school, college, university or hospital building.

Development not permitted
A.1. Development is not permitted by Class A—
(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
   (i) 25% of the gross floor space of the original school, college, university or hospital
   buildings; or
   (ii) 100 square metres,
   whichever is the lesser;
(b) if any part of the development would be within five metres of a boundary of the curtilage of the
    premises;
(c) if, as a result of the development, any land used as a playing field at any time in the five 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 exceed five metres;
(e) if the height of the building as extended or altered would exceed—
   (i) if within ten metres of a boundary of the curtilage of the premises, five 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.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
(a) the development must be within the curtilage of an existing school, college, university or hospital;
(b) the development shall only be used as part of, or for a purpose incidental to, the use of that
    school, college, university or hospital;
(c) any new building erected shall, in the case of article 1(5) land, be constructed using materials
    which have a similar external appearance to those used for the original school, college, university
    or hospital buildings; and
(d) any extension or alteration shall, in the case of article 1(5) land, be constructed using materials
    which have a similar external appearance to those used for the building being extended or altered.
**Interpretation**

A.3. For the purposes of Class A—

(a) where two 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; and

(b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A.

**Class B**

**Permitted development**

B. 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**

B.1. Development is not permitted by Class B 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 five 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**

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

(a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;

(b) in all other cases, either—

(i) the hard surface shall be made of porous materials, or

(ii) provision shall be 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 32**

C. For the purposes of Part 32, “school” includes a building permitted by Class C of Part 4 of this Schedule to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.

C. For the purposes of Part 32—

(a) “school”—

(i) includes 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 Class C of Part 4;

(ii) includes premises which have changed use under Class K of Part 3 of this Schedule (changes of use) to become a registered nursery; and

(iii) does not include a building which has permission to change use to use as a state-funded school or registered nursery only by virtue of Class MA of Part 3 of this Schedule (changes of use); and

(b) “registered nursery” and “state-funded school” have the meanings given in paragraph O of Part 3 of this Schedule (changes of use).
PART 33
CLOSED CIRCUIT TELEVISION CAMERAS

Class A

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

Development not permitted
A.1. Development is not permitted by Class A 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 75 centimetres by 25 centimetres by 25 centimetres;
   (c) any part of the camera would, when installed, altered or replaced, be less than 250 centimetres 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 one 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 one 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 four 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
A.2. Development is permitted by Class A subject to the following conditions—
   (a) the camera shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building on which it is situated;
   (b) the camera shall be removed as soon as reasonably practicable after it is no longer required for security purposes.

Interpretation of Class A
A.3. For the purposes of Class A—
   “camera”, except in paragraph A.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.

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PART 34
DEVELOPMENT BY THE CROWN

Class A

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

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 1(5) 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 1(5) 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 two 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;

(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

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

Permitted development

D. The provision by or on behalf of the Crown of a hard surface within the curtilage of an operational Crown building.
PART 35
AVIATION DEVELOPMENT BY THE CROWN

Class A

Permitted development
A. 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
A.1. Development is not permitted by Class A 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;
   (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

Condition
A.2. Development is permitted by Class A 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 A.4.

Interpretation of Class A
A.3. For the purposes of paragraph A.1, floor space shall be calculated by external measurement and without taking account of the floor space in any pier or satellite.

A.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.

A.5. For the purposes of Class A, “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 B

Permitted development

B. 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 C

Permitted development

C. 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

C.1. Development is not permitted by Class C 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 D

Permitted development

D. 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

D.1. Development is not permitted by Class D 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 E

Permitted development
E. 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

E.1. Development is permitted by Class E subject to the condition that on or before the expiry of a period of six months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be 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 F

Permitted development

F. 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

F.1. Development is permitted by Class F subject to the condition that, on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, any structure shall be removed, and the land shall be 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 G

Permitted development

G. 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

G.1. Development is permitted by Class G subject to the condition that on or before the expiry of the period of six months beginning with the date on which the use began, the use shall cease, any apparatus shall be removed, and the land shall be 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 H

Permitted development

H. 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 Part 35

I. For the purposes of Part 35—
“airbase” means the aggregate of the land, buildings and works comprised in a Government aerodrome within the meaning of article 155 of the Air Navigation Order 200599; and

“air traffic services” has the same meaning as in section 98 of the Transport Act 2000100 (air traffic services).

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100 2000 c. 38.

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PART 36
CROWN RAILWAYS, DOCKYARDS ETC. AND LIGHTHOUSES

Class A

Permitted development
A. 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
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 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 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

Permitted development
B. 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
B.1. Development is not permitted by Class B 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 B
B.2. For the purposes of Class B, 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 C

Permitted development
C. 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 D

Permitted development
D. 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
D.1. Development is not permitted by Class D 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 D
D.2. For the purposes of Class D—
   “buoys and beacons” 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.

Commented [S338]:
IMPORTANT NOTE:
Part 36 applies only in the case of the Crown (see 2006 No. 1282).
In all other cases (i.e. generally), Part 36 should be disregarded.

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PART 37
EMERGENCY DEVELOPMENT BY THE CROWN

Class A

Permitted development
A. 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
A.1. Development is permitted by Class A subject to the following conditions—
   (a) the developer shall, 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 six months beginning with the date on which the
       development began—
       (i) any use of that land for a purpose of Class A shall cease and any buildings, plant,
           machinery, structures and erections permitted by Class A shall be removed; and
       (ii) the land shall be 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.

Interpretation of Class A
A.2. (1) For the purposes of Class A, “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 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 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 radio-active matter; or

(b) disruption or destruction of plant life or animal life.

Commented [S339]:

IMPORTANT NOTE:

Part 37 applies only in the case of the Crown (see 2006 No. 1282).

In all other cases (i.e. generally), Part 37 should be disregarded.
PART 38
DEVELOPMENT FOR NATIONAL SECURITY PURPOSES

Class A

Permitted development
A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall of other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.

Development not permitted
A.1. Development is not permitted by Class A 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 B

Permitted development
B. 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
B.1. Development is not permitted by Class B if:
   (a) the dimensions of the camera including its housing exceed 75 centimetres by 25 centimetres by 25 centimetres;
   (b) the uniform level of lighting provided exceeds 10 lux measured at ground level.

Conditions
B.2. Development is permitted by Class B subject to the following conditions:
   (a) the camera shall, so far as practicable, be sited so as to minimise its effect on the external appearance of any building to which it is fixed;
   (b) the camera shall be removed as soon as reasonably practicable after it is no longer required for national security purposes.

Interpretation of Class B
B.3. For the purposes of Class B—
   “camera” except in paragraph B1(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 C

Permitted development

C. 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 six 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

C.1. Development is not permitted by Class C(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 C.1(a), (b), (c) and (d), and for the purposes of applying the limit specified in subparagraph (c), the words “(taken by itself)” shall be 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;

(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.

C.2. Development consisting of the installation of apparatus is not permitted by Class C(a) on article 1(5) 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.

C.3. (1) Subject to paragraph (2), development is not permitted by Class C(a) if it will result in the installation of more than one 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 C(a), for every four items of apparatus which existed on that site on the relevant day, one additional item of small apparatus may be installed.

(3) In 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 sub-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**

**C.4.** (1) Class C(a) and Class C(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 shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class C(a) development consisting of the installation of any additional apparatus on article 1(5) land is permitted subject to the condition that the apparatus shall be installed as close as is reasonably practicable to any existing apparatus.

(3) Class C(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall, at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

(4) Class C development—
   (a) on article 1(5) 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 C.5.

**C.5.** (1) The developer shall, 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 him; and
   (b) where he 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 shall, before commencing development, notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate.

**Interpretation of Class C**

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C.6. For the purposes of Class C—

“aerodrome operator” means the person who is for the time being responsible for the management of the aerodrome;

“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;

“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);

“local advertisement” means by publication of the notice in a newspaper circulating in the locality in which the land to which the proposed development relates is situated;

“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 seven 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) six months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class C(a) or Class C(c) or from the commencement of the use permitted by Class C(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.

Commented [S340]:

IMPORTANT NOTE:

Part 38 applies only in the case of the Crown (see 2006 No. 1282).

In all other cases (i.e. generally), Part 38 should be disregarded.
PART 39
TEMPORARY PROTECTION OF POULTRY AND OTHER CAPTIVE BIRDS

Class A

Permitted development
A. The erection of a building where that is necessary for the purpose of housing poultry or other captive birds to protect them from avian influenza.

Development not permitted
A.1. Development is not permitted by Class A if—
   (a) the development would affect a listed building or its setting;
   (b) the height of the building would exceed 12 metres;
   (c) where the development is within three kilometres of an aerodrome, the height of the building would exceed three metres;
   (d) the area of ground which would be covered by the building would exceed 465 square metres;
   (e) where development permitted by Class A is carried out more than once on land in the occupation of a particular person, the aggregate of the area of ground covered by any such development would exceed 465 square metres;
   (f) where the development consists of the extension of a building, the area of ground covered by the building as extended would exceed the area of ground covered by the existing building by more than 50 per cent.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
   (a) the development shall not be used for any purpose other than to house poultry or other captive birds to protect them from avian influenza;
   (b) the developer shall, as soon as practicable, and in any event no later than 14 days, after commencing development, serve the relevant notice on the local planning authority; and
   (c) on or before the relevant date—
      (i) any building permitted by Class A shall be removed from the land; and
      (ii) the land shall be restored to its condition before the development took place, or restored to such other condition as may be agreed in writing between the local planning authority and the developer.

Interpretation of Class A
A.3. For the purposes of Class A—
   “approved body” means a body approved in accordance with Article 2(1)(c) of Directive 92/65/EEC\(^\text{101}\) laying down animal health requirements governing trade in and imports into the Community of

animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(1) to Directive 90/425/EEC102;

“avian influenza” means an infection of poultry or other captive birds caused by any influenza A virus of the subtypes H5 or H7 or with an intravenous pathogenicity index in six week old chickens greater than 1.2;

“other captive bird” means a bird kept in captivity which is not poultry and includes a bird kept as a pet; for shows, races, exhibitions or competitions; for breeding; for sale; or for use by an approved body;

“poultry” means birds reared or kept in captivity for the production of meat or eggs for consumption, for the production of other products, for restocking supplies of game or for the purposes of any breeding programme for the production of such categories of birds;

“relevant date” means—

(a) 19th February 2008; or

(b) the date on which the use of the building permitted by Class A ceases to be necessary for the purposes of protecting poultry or other captive birds from avian influenza,

whichever is the earlier;

“relevant 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 development (including a site plan and grid reference);

(c) the name and address of the owner and occupier of the land on which the development is being carried out (if not the developer);

(d) a description of the development (including the type of poultry or other captive birds to be protected); and

(e) the date on which the development commenced.


Commented [S341]: Part 39 was inserted by 2007 No. 406.
PART 40
INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development
A. The installation, alteration or replacement of solar PV or solar thermal equipment on—
   (a) a dwellinghouse; or
   (b) a building situated within the curtilage of a dwellinghouse.

Development not permitted
A.1. Development is not permitted by Class A, in the case of solar PV or solar thermal equipment installed on an existing wall or roof of a dwellinghouse or a building within its curtilage if—
   (a) the solar PV or solar thermal equipment would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
   (b) 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);
   (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—
      (i) on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway; or
      (ii) on a wall or roof slope of a building within the curtilage of the dwellinghouse and would be visible from a highway; or
   (d) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
   (a) solar PV or solar thermal equipment installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
   (b) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
   (c) solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class B

Permitted development
B. The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse.
Development not permitted

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

(a) it would result in the presence within the curtilage of more than one stand-alone solar; or

(b) any part of the stand-alone solar—

(i) would exceed four metres in height above ground level;

(ii) would, in the case of land within a conservation area or which is a World Heritage Site, be situated within any part of the curtilage of the dwellinghouse and would be visible from the highway;

(iii) would be situated within five metres of the boundary of the curtilage;

(iv) would be situated within the curtilage of a listed building; or

(c) the surface area of the solar panels forming part of the stand-alone solar would exceed nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

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

(a) stand-alone solar shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(b) stand-alone solar which is no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class C

Permitted development

C. The installation, alteration or replacement of a ground-source heat pump within the curtilage of a dwellinghouse.

Class D

Permitted development

D. The installation, alteration or replacement of a water-source heat pump within the curtilage of a dwellinghouse.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Development not permitted

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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 one metre or more;

(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 forming the principal or side elevation of the dwellinghouse and would be visible from a highway.

Class F

Permitted development

F.— The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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 one metre or more;

(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 forming the principal or side elevation of the dwellinghouse and would be visible from a highway.

Interpretation of Part 40

G.1.— For the purposes of Part 40—

"dwellinghouse" includes a building which consists wholly of flats or which is used for the purposes of a dwellinghouse;

"microgeneration" has the same meaning as in section 82(6) of the Energy Act 2004; 103

"solar PV" means solar photovoltaics;

"stand alone solar" means solar PV or solar thermal equipment which is not installed on a building;

"World Heritage Site" means a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.

103 2004 c.20.
Part 40
INSTALLATION OF DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development
A. The installation, alteration or replacement of 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 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
(b) 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);
(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.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
(a) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
(b) solar PV or solar thermal equipment shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
(c) solar PV or solar thermal equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class B

Permitted development
B. The installation, alteration or replacement of stand alone solar within the curtilage of a dwellinghouse or a block of flats.

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

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(a) in the case of the installation of stand alone solar, the development would result in the presence within the curtilage of more than one stand alone solar;

(b) any part of the stand alone solar—
   (i) would exceed four metres in height;
   (ii) would, in the case of land within a conservation area or 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 five 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 nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

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

(a) stand alone solar shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(b) stand alone solar which is no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class C

Permitted development

C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse or a block of flats.

Class D

Permitted development

D. The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse or a block of flats.

Class E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a 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 one 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

Permitted development

F. The installation, alteration or replacement of a flue, forming part of a 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 one 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

Permitted Development

G. The installation, alteration or replacement of an 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 or equivalent standards.

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 more than one air source heat pump on the same building or within the curtilage of the building or block of flats;
(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 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 exceed 0.6 cubic metres;
(e) any part of the air source heat pump would be installed within one metre of the boundary of the curtilage of the dwellinghouse or block of flats;
(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 one 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 storey.

Conditions

G.3. Development is permitted by Class G subject to the following conditions—
   (a) the air source heat pump shall be used solely for heating purposes;
   (b) the air source heat pump shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
   (c) the air source heat pump shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
   (d) the air source heat pump when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class H

Permitted Development

H. The installation, alteration or replacement of a 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 one 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

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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 three 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 five metres;
(f) any part of the wind turbine (including blades) would be positioned so that it would be within five 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 1(5) 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 shall be made of non reflective materials;
   (b) the wind turbine shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
   (c) the wind turbine shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
   (d) the wind turbine when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Class I

Permitted Development
I. The installation, alteration or replacement of a stand alone wind turbine 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 one 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 five 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 1(5) 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 shall be made of non reflective materials;

(b) the stand alone wind turbine shall, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(c) the stand alone wind turbine when no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Interpretation of Part 40

J. For the purposes of Part 40—

“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;
“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;
“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004;¹⁰⁴;
“MSC Planning Standards” means the standards for air source heat pumps and
wind turbines specified in Microgeneration Certification Scheme MCS 020;¹⁰⁵;
“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,
NATS (EN ROUTE) PLC or the Secretary of State for Defence for the purposes of this Part;
“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.

¹⁰⁴ 2004 c.20.
¹⁰⁵ Issue 1.0 dated 19 August 2011 published by Gemserv Limited

Commented [S347]: 2012 No. 748
stated that the words “product or installation” should be deleted. This
appears to be an error, and presumably relates to these words “product and installation”.
Commented [S348]: Part 40 was
inserted by 2011 No. 2056.
PART 41
OFFICE BUILDINGS

Class A

Permitted development
A. The extension or alteration of an office building.

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

(a) subject to paragraph (aa), the gross floor space of the original building would be exceeded by more than—

(i) 25%; or

(ii) 50 square metres,

whichever is the lesser;

(aa) until 30th May 2016 for a building not on a site of special scientific interest the gross floor space of the original building would be exceeded by more than—

(i) 50%; or

(ii) 100 square metres,

whichever is the lesser;

(b) the height of the building as extended would exceed—

(i) if within ten metres of a boundary of the curtilage of the premises, five metres; or

(ii) in all other cases, the height of the building being extended;

(c) any part of the development, other than an alteration, would be within five metres of any boundary of the curtilage of the premises;

(d) any alteration would be on article 1(5) land; or

(e) the development would be within the curtilage of a listed building.

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

(a) any office building as extended or altered shall only be used as part of, or for a purpose incidental to, the use of that office building;

(b) any extension shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended; and

(c) any alteration shall be at ground floor level only.

A.2A—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(a) but is allowed by paragraph A.1(aa).

(2) The development shall be completed on or before 30th May 2016.
(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

(a) the name of the developer,

(b) the address or location of the development,

(c) a description of the development, including measurements and calculations relevant to the requirements of paragraph A.1(aa), and

(d) the date of completion.

Interpretation of Class A

A.3. For the purposes of Class A—

(a) where two 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; and

(b) “office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order.

Class B

Permitted development

B. Development consisting of—

(a) the provision of a hard surface within the curtilage of an office building to be used for the purpose of the office concerned; or

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

Development not permitted

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

(a) the cumulative area of ground covered by a hard surface within the curtilage (excluding 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

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

(a) where there is a risk of groundwater contamination, the hard surface shall not be made of porous materials;

(b) in all other cases, either—

(i) the hard surface shall be made of porous materials, or

(ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the office building.

Interpretation of Class B

Commented [S351]: Condition A.2A was inserted by 2013 No. 1101.
B.3. For the purposes of Class B “office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order.

Commented [S352]: Part 41 was inserted by 2010 No. 654
PART 42

SHOPS OR CATERING, FINANCIAL OR PROFESSIONAL SERVICES ESTABLISHMENTS

Class A

Permitted development

A. The extension or alteration of a shop or financial or professional services establishment.

Development not permitted

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

(a) subject to paragraph (aa), the gross floor space of the original building would be exceeded by more than—

(i) 25%; or

(ii) 50 square metres;

whichever is the lesser.

(aa) until 30th May 2016 for a building not on a site of special scientific interest the gross floor space of the original building would be exceeded by more than—

(i) 50%; or

(ii) 100 square metres,

whichever is the lesser;

(b) the height of the building as extended would exceed four metres;

(c) subject to paragraph (ca), any part of the development, other than an alteration, would be within two metres of any boundary of the curtilage of the premises;

(ca) until 30th May 2016 paragraph (c) only applies where—

(i) the land on which the building is located adjoins land or a building which is used for a purpose falling within Class C of the Schedule to the Use Classes Order;

(ii) the development is on article 1(5) land; or

(iii) the development is on a site of special scientific interest;

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

(e) any alteration would be on article 1(5) land;

(f) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;

(g) any part of the development would extend beyond an existing shop front;

(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.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—
(a) any alteration shall be at ground floor level only;
(b) any extension shall, in the case of article 1(5) land, be constructed using materials which have a similar external appearance to those used for the building being extended; and
(c) any extension or alteration shall only be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.

A.2A—(1)The following conditions apply to development permitted by Class A which—

(a) exceeds the limits in paragraph A.1(a) but is allowed by paragraph A.1(aa); or
(b) relies upon the disapplication of paragraph A.1(c) provided by paragraph A.1(ca).

(2) The development shall be completed on or before 30th May 2016.

(3) The developer shall notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(4) The notification shall be in writing and shall include—

(a) the name of the developer,
(b) the address or location of the development,
(c) a description of the development, including measurements and calculations relevant to the requirements of paragraph A.1(aa), and
(d) the date of completion.

A.3. Interpretation of Class A

For the purposes of Class A—

(a) where two 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;
(b) “raised platform” means a platform with a height greater than 300 millimetres; and
(c) “shop or financial or professional services establishment” means a building, or part of a building, used for any purpose within Classes A1 or A2 of the Schedule 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.

Class B

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 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 five 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.

B.3. Interpretation of Class B
For the purposes of Class B—
“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes
Order; and
“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

Class C

Permitted development

C. Development consisting of—
(a) the provision of a hard surface within the curtilage of a shop or catering, financial or
professional services establishment; or
(b) the replacement in whole or in part of such a surface.

Development not permitted

C.1. Development is not permitted by Class C 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

C.2. Development is permitted by Class C subject to the following conditions—
(a) where there is a risk of groundwater contamination, the hard surface shall not be made of porous
materials;
(b) in all other cases, either—
(i) the hard surface shall be made of porous materials, or
(ii) provision shall be 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 C

C.3. For the purposes of Class C “shop or catering, financial or professional services establishment” means a building used for any purpose within Classes A1 to A5 of the Schedule to the Use Classes Order.

Commented [S358]: Part 42 was inserted by 2010 No. 664
PART 43

INSTALLATION OF NON-DOMESTIC MICROGENERATION EQUIPMENT

Class A

Permitted development
A. The installation, alteration or replacement of solar PV or solar thermal equipment on a building other than 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 be installed on a wall or pitched roof and would protrude more than 200 millimetres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
(b) the solar PV or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV or solar thermal equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
(c) the solar PV or solar thermal equipment would be installed on a roof and within 1 metre of the external edge of that roof;
(d) the solar PV 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;
(e) in the case of a building on article 1(5) land, the solar PV or solar thermal equipment would be installed on a wall or roof slope which fronts a highway;
(f) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
(g) the solar PV or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

Conditions
A.2. Development is permitted by Class A subject to the following conditions—
(a) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;
(b) solar PV or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
(c) solar PV or thermal equipment no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class B

Permitted development
B. The installation, alteration or replacement of stand alone solar within the curtilage of a building other than 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 one stand alone solar;

(b) any part of the stand alone solar—

(i) would exceed four metres in height;

(ii) would, if installed on any article 1(5) land, be installed so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway;

(iii) would be installed within five 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 nine square metres or any dimension of its array (including any housing) would exceed three metres.

Conditions

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

(a) stand alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and

(b) stand alone solar which is no longer needed for microgeneration must be removed as soon as reasonably practicable.

Class C

Permitted development

C. The installation, alteration or replacement of a ground source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.

Conditions

C.1. Development is permitted by Class C 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 one ground source heat pump; and

(c) a pump which is no longer needed for microgeneration must be removed as soon as reasonably practicable and the land shall, as far as reasonably 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.

Class D

Permitted development
D. The installation, alteration or replacement of a water source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.

Conditions

D.1. Development is permitted by Class D 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 E

Permitted development

E. The installation, alteration or replacement of a flue, forming part of a 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

E.1. Development is not permitted by Class E 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 one 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 one 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 1(5) land, the flue would be installed on a wall or roof slope which fronts a highway.

Class F

Permitted development

F. The installation, alteration or replacement of a flue, forming part of a 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

F.1. Development is not permitted by Class F 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 one 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 one 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 1(5) land, the flue would be installed on a wall or roof slope which fronts a highway.

**Interpretation of Part 43**

**G.** For the purposes of Part 43—

“block of flats” means a building which consists wholly of flats;

“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004; 106

“solar PV” means solar photovoltaics;

“stand alone solar” means solar PV or solar thermal equipment which is not installed on a building; and

“water source heat pump” means a heat pump where the collecting medium is water.

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106 2004 c. 20.

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### SCHEDULE 3

#### Article 9

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<th>Title of Instrument</th>
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<tr>
<td>The Town and Country Planning General Development Order 1988</td>
<td>S.I. 1988/1813</td>
<td>Paragraphs (3), (5), (6) and (7) of article 1 and articles 3, 4, 5 and 6 and Schedules 1 and 2</td>
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<tr>
<td>The Town and Country Planning General Development (Amendment) Order 1989</td>
<td>S.I. 1989/603</td>
<td>Paragraphs (2) to (8) of article 2</td>
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<td>The Town and Country Planning General Development (Amendment) Order 1990</td>
<td>S.I. 1990/457</td>
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<tr>
<td>The Town and Country Planning General Development (Amendment) (No. 2) Order 1990</td>
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<td>The Town and Country Planning General Development (Amendment) (No. 3) Order 1991</td>
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<td>S.I. 1992/1280</td>
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<td>The Town and Country Planning General Development (Amendment) Order 1994</td>
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<tr>
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<td>1994/2595</td>
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<tr>
<td>The Town and Country Planning General Development (Amendment) Order 1995</td>
<td>1995/298</td>
<td>The whole Order except article 3(1)</td>
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Above is the end of the legislation.