



Ministry of Housing,  
Communities &  
Local Government

To:

Local Planning Authorities in England

30 December 2020

Dear Sir/Madam

### **The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020 (S.I. 2020/1459)**

I am writing to inform you of amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) made by the above instrument, which comes into force on 30 December 2020.

#### **Scope**

The amendments to the GPDO apply in relation to development carried out in England and can be found here;

[www.legislation.gov.uk/ukxi/2020/1459/made](http://www.legislation.gov.uk/ukxi/2020/1459/made)

#### **Background**

Since the tragedy at Grenfell Tower, the government’s Building Safety Programme has been addressing fire safety failings in existing buildings, while developing wider reforms for the future building safety regulatory system.

In support of the Building Safety Programme, the Independent Expert Advisory Panel (the Expert Panel) has issued advice on the measures building owners should take to review ACM and other cladding systems to assess and assure their fire safety, and the potential risks to residents of external fire spread. managed appropriately. This advice is available on -line at

<https://www.gov.uk/government/publications/building-safety-advice-for-building-owners-including-fire-doors>

#### **Effect of the amendment**

The amendment to the GPDO has the effect of introducing an additional matter for prior approval to two permitted development rights which allow extra storeys to be added to existing buildings. These rights are: Class A *new dwellinghouses on detached blocks of flats*, and Class AA *new dwellinghouses on detached buildings in commercial or mixed use* of Part 20 to the Order.

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This new requirement requires a developer seeking prior approval under those classes in relation to an existing building, which is 18 metres or more in height, to provide a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214) to the local planning authority.

Paragraph B4(1) provides that the external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

Where a report is not provided the local planning authority must refuse prior approval. This requirement will further encourage any necessary remediation works to be done quickly.

The precise format of the report is not specified.

### **Guidance to local planning authorities**

The Department does not expect local planning authorities to have the necessary expertise to scrutinise such reports in detail. However, they should take reasonable steps to satisfy themselves there is no reason to doubt the conclusions of the report. In this respect, they may wish to check with the building control department if they have concerns about the building in question. It should be noted also that historic evidence of building regulations approval should not be considered as conclusive evidence that a building is safe.

Planning authorities should also take reasonable steps to satisfy themselves that the reports have been produced by suitably qualified and experienced professionals. There is no exhaustive list of qualifications but the advice from the independent expert panel issued by the Department provides further guidance on this matter.

In some cases, the analysis needed may be straightforward, in which case a competent fire safety professional with adequate experience in fire safety and knowledge of external wall systems may be used. In others, it will be more complex and require advice from a qualified engineer with relevant experience in fire safety, including the fire testing of building products and systems, such as a Chartered Engineer registered with the UK Engineering Council by the Institution of Fire Engineers.

If the local planning authority is not satisfied with the expertise of the author of the report, they may refuse prior approval.



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