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STATUTORY INSTRUMENTS

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**1997 No. 366**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning (General  
Permitted Development) (Amendment) Order 1997**

<i>Made</i>	- - - -	<i>17th February 1997</i>
<i>Laid before Parliament</i>		<i>19th February 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

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 and 333(7) of the Town and Country Planning Act 1990(1) and 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) (Amendment) Order 1997 and shall come into force on 1st April 1997.

(2) In this Order “the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(2).

**Agricultural buildings and operations**

2.—(1) In Part 6 of Schedule 2 to the 1995 Order after paragraph A.2(4) insert—

“(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,

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(1) 1990 c. 8.  
(2) S.I. 1995/418.

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.”

(2) In Part 6 of Schedule 2 to the 1995 Order after paragraph B.7 insert—

“**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.”

Signed by authority of the Secretary of State for the Environment

13th February 1997

*Paul Beresford*  
Parliamentary Under Secretary of State,  
Department of the Environment

Signed by authority of the Secretary of State for Wales

17th February 1997

*Gwilym Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

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**Status:** This is the original version (as it was originally made). UK  
Statutory Instruments are not carried in their revised form on this site.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”).

Classes A and B of Part 6 of Schedule 2 to the 1995 Order grant planning permission for specified agricultural buildings and operations.

Article 2 amends Classes A and B by imposing conditions on permitted development rights consisting of the erection, significant extension or significant alteration of buildings where the use of such development for agricultural purposes permanently ceases within ten years of its substantial completion. Where planning permission has not been granted authorising development for purposes other than agriculture within three years of the permanent cessation of its agricultural use, and there is no outstanding appeal, the development must be removed unless the local planning authority have otherwise agreed in writing and the land must, so far as practicable, be restored to its former condition unless the local planning authority and the developer have otherwise agreed in writing.