

1999 No. 1661

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (General Permitted Development) (Amendment) Order 1999

Made - - - - *9th June 1999*

Laid before Parliament *18th June 1999*

Coming into force *9th July 1999*

The Secretary of State for the Environment, Transport and the Regions, 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(1) and 333(7) of the Town and Country Planning Act 1990(a), 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) (Amendment) Order 1999, and shall come into force on 9th July 1999.

(2) In this Order, “the 1995 Order” means the Town and Country Planning (General Permitted Development) Order 1995(b), and, except in article 6, any reference to Part 1, Part 24 or Part 25 is a reference to that numbered Part of Schedule 2 to the 1995 Order.

Changes to Part 1, Class H: The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse

2. In Class H of Part 1, for paragraph H.1(d)(iii), substitute:

“(iii) on a wall or roof slope which fronts a highway;

(iv) in the Broads, on a wall or roof slope which fronts a waterway.”.

Changes to Part 24: Development by telecommunications code system operators

3. In Class A of Part 24—

(a) in paragraphs A.1(f)(ii) and A.1(g)(i), after “all of the dishes”, insert “on the building, structure or mast”;

(b) in paragraph A.1(h), for the words “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),” substitute—

“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,”;

(c) in paragraph A.1(k)(ii), for “it”, in each place where it occurs, substitute “the development”;

(a) 1990 c. 8.

(b) S.I. 1995 No. 418, amended by S.I. 1996/528 and 1998/462.

- (d) for paragraph A.1(k)(iii), substitute–
- “(iii) 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;”;
- (e) for paragraph A.2(2)(a), substitute–
- “(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”
- (f) in paragraph A.2(4)–
- (i) for the words preceding sub-paragraph A.2(4)(i), substitute–
- “(4) Subject to paragraph (4A)(b), Class A development on–
- (a) article 1(5) land or land which is, or is within, a site of special scientific interest, or
- (b) any other land and consisting of the construction, installation, alteration or replacement of a mast on a building or structure, 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 a case of emergency, to the following conditions–”;
- (ii) for sub-paragraph A.2(4)(iv) substitute–
- “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 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;
- (cc) 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
- (dd) 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;”;
- (g) after paragraph A.2(4), insert–
- “(4A) 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—
 - (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; and
 - (cc) 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—
 - (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 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;
 - (cc) 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
 - (dd) 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—
 - (aa) where prior approval has been given as mentioned in sub-paragraph (v)(bb), in accordance with the details approved;
 - (bb) in any other case, in accordance with the details submitted with the application;
- (vii) the development shall be begun—
 - (aa) 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;
 - (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 (iv).”.

- (h) in paragraph A.2(5), delete “on any article 1(5) land”;
- (i) in paragraph A.3, after the definition of “relevant period”, insert–

“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.”

Part 25: Other telecommunications development

4. In Class B of Part 25–

- (a) for paragraph B.1(h), substitute–
 - “(h) 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.”

Transitional Provision

5. The amendments made to the 1995 Order by this Order shall not apply in relation to applications for a determination as to whether the prior approval of the local planning authority will be required to the siting and appearance of the development made before the coming into force of this Order.

Revocation: article 1(4) land

6. Article 1(4) of, and Part 1 of Schedule 1 to, the 1995 Order (land in listed counties in England and in specified counties in Wales) are hereby revoked.

8th June 1999

Richard Caborn
Minister of State for the Environment, Transport and the Regions

9th June 1999

Jon Owen Jones
Parliamentary Under-Secretary of State,
Welsh Office

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”), mainly in relation to permitted development rights for certain telecommunications development. Where such rights apply, no specific application for planning permission is needed.

Article 3 amends Part 24 of Schedule 2 to the 1995 Order, which confers permitted development rights in respect of development by telecommunications code system operators. The principal change is the introduction of new conditions, where the proposed development consists of or includes the construction, installation, alteration or replacement of a ground-based mast, requiring a developer to 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. Provision is made for a site notice to be displayed informing the public of the application and providing for representations to be made to the local planning authority.

An additional change is that sites of special scientific interest are treated, in the context of Part 24 permitted development rights, in the same way as article 1(5) land, (National Parks, areas of outstanding natural beauty and conservation areas etc.). Revised provision is made for notifying the local planning authority of works carried out in case of emergency.

Article 6 revokes article 1(4) of, and Part 1 of Schedule 1 to, the 1995 Order, which are redundant provisions in relation to certain areas in England and Wales. Articles 2 and 4 rectify minor anomalies in Parts 1 and 25 of Schedule 2 to the 1995 Order in relation to antennae on a wall or roof slope which fronts a highway in the Broads.

Other minor changes are made to Part 24, mainly of a clarificatory nature.

A Regulatory Impact Assessment has been prepared in relation to this Order. It has been placed in the Library of each House of Parliament and copies may be obtained for England from PD3 Division at Zone 4/J3, Department of Environment, Transport and Regions, Eland House, Bressenden Place, SW1E 5DU, tel: 0171 890 3942 and for Wales from Planning Division, Welsh Office, Cathays Park, Cardiff, CF1 3NQ, tel: 01222 823479.

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