

2010 No. 654

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010

<i>Made</i> - - - -	<i>8th March 2010</i>
<i>Laid before Parliament</i>	<i>12th March 2010</i>
<i>Coming into force</i> - -	<i>6th April 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61(1) and 333 of the Town and Country Planning Act 1990(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 and shall come into force on 6th April 2010.

(2) This Order applies in relation to England only.

Amendment of the Town and Country Planning (General Permitted Development) Order 1995

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995(b) is amended as follows.

(2) For articles 4, 5 and 6 substitute—

“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

(a) 1990 c.8; to which there are amendments not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/ 253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(b) S.I. 1995/418. Relevant amendments were made by S.I. 1996/252, S.I. 1996/528, S.I. 1996/593, S.I.2006/221, S.I. 2006/1282 and S.I.2008/675.

- (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.

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 sub-paragraph (d).
- (5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period referred to in 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).

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.”

(3) In Part 3 of Schedule 2, after Class H insert—

“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.”

(4) For Part 8 of Schedule 2 substitute—

“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) the gross floor space of any new building erected would exceed 100 square metres;
- (e) 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;
- (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.

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
- (e) “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.”

(5) For Part 32 of Schedule 2 substitute—

“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.”
- (6) In Schedule 2, after Part 40 insert—

“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) 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;
- (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.

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

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.

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) 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.

- (b) the height of the building as extended would exceed four metres;
- (c) any part of the development, other than an alteration, would be within two metres of any boundary of the curtilage of the premises;
- (d) the development would be within the curtilage of a listed building;
- (e) any alteration would be on article 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.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.”

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

John Healey
Minister of State

8th March 2010

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (“the GPDO”). The amendments apply to England only.

The GPDO grants planning permission for certain classes of development. However, the GPDO also contains provisions which enable local planning authorities to give directions to withdraw that permission within a local area (“article 4 directions”). When a local authority gives an article 4 direction, specific planning permission is then required for development of that class in the area to which the direction applies.

Paragraph (2) of article 2 of this Order substitutes new articles 4, 5 and 6 in the GPDO. Article 4 changes the procedure relating to article 4 directions so that local planning authorities no longer require approval from the Secretary of State for certain kinds of article 4 direction. It makes provision for the giving of notice, representations to be taken into account and the date the direction comes into effect.

Paragraph (2) of article 2 of this Order also sets out a procedure for article 4 directions relating to certain categories of development where local planning authorities consider that development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area or directions in conservation areas relating to certain categories of development. In these circumstances a local planning authority can make an article 4 direction with immediate effect.

This Order also amends the GPDO to grant planning permission for some categories of development which previously required planning permission.

Paragraph (3) of article 2 of this Order amends Part 3 (changes of use) in Schedule 2 to the GPDO to give permitted development rights to changes of use from buildings used as small scale houses in multiple occupation, shared by three to six people, to use as dwellinghouses.

Paragraph (4) of article 2 of this Order substitutes a new Part 8 (industrial and warehouse development) in Schedule 2 to the GPDO. It extends some of the previous permitted development rights for industrial buildings and warehouses to research and development uses and permits new buildings subject to certain constraints. The new Part 8 also amends the permitted development rights for the provision and partial or total replacement of hard surfaces within the curtilage of an industrial building.

Paragraph (5) of article 2 of this Order substitutes a new Part 32 (schools, colleges, universities and hospitals) in Schedule 2 to the GPDO. It extends the permitted development rights for schools, colleges, universities and hospitals and allows extensions and alterations to such institutions, subject to certain constraints.

Paragraph (6) of article 2 of this Order inserts two new Parts into Schedule 2 to the GPDO – Part 41 (office buildings) and Part 42 (shops or catering, financial or professional services establishments). Part 41 grants permitted development rights to extend or alter office buildings, subject to certain constraints. Part 42, Class A grants permitted development rights to extend or alter shops and financial or professional services establishments, subject to certain constraints. Class B grants permitted development rights for buildings and enclosures for the storage of shopping trolleys within the curtilage of a shop, subject to certain constraints. Class C grants permitted development rights for the provision and partial or total replacement of hard surfaces

within the curtilage of a shop, catering, financial or professional services establishment, subject to certain constraints.

An 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 from the Planning Directorate, the Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU or www.communities.gsi.gov.uk.

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£5.50