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STATUTORY INSTRUMENTS

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**1995 No. 418**

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

**The Town and Country Planning (General  
Permitted Development) Order 1995**

*Made* - - - - 22nd February 1995

*Laid before Parliament* 6th March 1995

*Coming into force* - - 3rd June 1995

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 1990(1), section 54 of the Coal Industry Act 1994(2) 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 1960(3);

“aerodrome” means an aerodrome as defined in article 106 of the Air Navigation Order 1989(4) (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,

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(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.

- (d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or
- (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<sup>(5)</sup> (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, 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<sup>(6)</sup> (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;

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

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“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—

- (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

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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.

(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 1976(7) (interpretation);

“listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990(8) (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 1962(9) (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 Pipe-lines 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 1982(10);

“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;

“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(11) (definition of public service vehicles) or a tramcar or

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(7) 1976 c. 70.

(8) 1990 c. 9.

(9) 1962 c. 58.

(10) S.I. 1982/1357.

(11) 1981 c. 14; section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).

trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988<sup>(12)</sup> (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<sup>(13)</sup> (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;

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981<sup>(14)</sup> (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, the Civil Aviation Authority, the National Rivers Authority, any water undertaker, any public gas supplier, and any licence holder within the meaning of section 64(1) of the Electricity Act 1989<sup>(15)</sup> (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 1980<sup>(16)</sup> (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 1987<sup>(17)</sup>.

(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).

(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).

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(12) 1988 c. 52.

(13) 1979 c. 46.

(14) 1981 c. 69.

(15) 1989 c. 29.

(16) 1980 c. 66; section 19 was amended by section 21(1) of the New Roads and Street Works Act 1991 (c. 22).

(17) S.I. 1987/764, amended by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297.

## 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 1994<sup>(18)</sup> (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 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 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”)<sup>(19)</sup> (descriptions of development).

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<sup>(18)</sup> S.I. 1994/2716.

<sup>(19)</sup> S.I. 1988/1199, amended by S.I. 1990/367, 1992/1494 and 1994/677.

## (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”)(**20**) (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 (proposed 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.

## (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(**21**) of improvement works within the meaning of the Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988(**22**);
- (c) development which consists of the installation of an electric line (within the meaning of Part I of the Electricity Act 1989(**23**) (electricity supply)) which replaces an existing line (as defined in regulation 2 of the Overhead Lines (Exemption) Regulations 1990(**24**) (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,

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(20) S.I. 1995/417

(21) 1991 c. 59. The definition of “drainage body” is to be found in section 72(1).

(22) S.I. 1988/1217.

(23) 1989 c. 29. See the definition in section 64(1).

(24) S.I. 1990/2035.

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

- (f) the completion of any development begun before 3rd June 1995.

### **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;
- (b) any development in an emergency; 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;
- (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;
- (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, 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.

### **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 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.

(13) 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.

(14) 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.

(15) 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.

(16) 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.

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

#### **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 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<sup>(25)</sup>(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<sup>(26)</sup>(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.

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<sup>(25)</sup> S.I. 1984/1286.

<sup>(26)</sup> 1990 c. 9.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**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.

21st February 1995

*John Selwyn Gummer*  
Secretary of State for the Environment

22nd February 1995

*John Redwood*  
Secretary of State for Wales

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.

**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<sup>(27)</sup>(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<sup>(28)</sup> (enhancement and protection of the natural beauty and amenity of the countryside);
- (e) the Broads.

**PART 3**

**ARTICLE 1(6) LAND**

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, Dearham, Gilcrux, Great Clifton, Greysouthen, Little Clifton, Loweswater, Oughterside and Allerby, Papcastle, Plumbland, Seaton, Winscales;
  - in the borough of Copeland—

Arlecdon and Frizington, Cleator Moor, Distington, Drigg and Carleton, Egremont, Gosforth, Haile, Irton with Santon, Lamplugh, Lowca, Lowside Quarter, Millom, Millom Without, Moresby, Parton, Ponsonby, St Bees, St Bridget's Beckermat, St John's Beckermat, Seascale, Weddicar;
  - in the district of Eden—

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<sup>(27)</sup> 1990 c. 9.  
<sup>(28)</sup> 1981 c. 69.

Ainstable, Asby, Bandleyside, Bolton, Brough, Brough Sowerby, Brougham, Castle Sowerby, Catterlen, Clifton, Cliburn, Crackenthorpe, Crosby Garrett, Crosby Ravensworth, Culgaith, Dacre, Dufton, Glassonby, Great Salkeld, Great Strickland, Greystoke, Hartley, Hesket, Hillbeck, Hunsonby, Hutton, Kaber, Kings Meaburn, Kirkby Stephen, Kirby Thore, Kirkoswald, Langwathby, Lazonby, Little Strickland, Long Marton, Lowther, Mallerstang, Milburn, Morland, Mungrisdale, Murton, Musgrave, Nateby, Newbiggin, Newby, Orton, Ousby, Ravenstonedale, Shap, Skelton, Sleagill, Sockbridge and Tirril, Soulby, Stainmore, Tebay, Temple Sowerby, Thrimby, Waitby, Warcop, Wharton, Winton, Yanwath and Eamont Bridge;

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—

Aldingham, Angerton, Arnside, Barbon, Beetham, Blawith and Subberthwaite, Broughton West, Burton, Casterton, Docker, Egton-with-Newland, Fawcett Forest, Firbank, Grayrigg, Helsington, Heversham, Hincaster, Holme, Hutton Roof, Killington, Kirkby Ireleth, Kirkby Lonsdale, Lambrigg, Levens, Lower Allithwaite, Lower Holker, Lowick, Lupton, Mansergh, Mansriggs, Middleton, Milnthorpe, Natland, New Hutton, Old Hutton and Holmescales, Osmotherley, Pennington, Preston Patrick, Preston Richard, Scalthwaite, Sedgwick, Skelsmergh, Stainton, Strickland Ketel, Strickland Roger, Urswick, Whinfell, Whitwell and Selside;

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, Llanllyfni, Llanwnda, Waunfawr;

in the district of Meirionnydd—

Arthog, Corris, Llanfrothen, Penrhyndeudraeth; 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 Gwyrfaï—

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 Gwyrfaï—

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;

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

Ffestiniog, Talsarnau;

and those parts of the following communities which were on that date within the former rural district of Dolgellau—

Barmouth, Mawddwy;

and that part of the community of Llandderfel which was on that date within the former rural district of Penllyn.

## SCHEDULE 2

Article 3

### 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;
- (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 tiles.

### **Interpretation of Class A**

**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; or
- (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; 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 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;
- (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**

**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**

**F. 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 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;
- (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.

### **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.

### **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.

## **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;
- (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.

#### *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.

## **PART 3**

### **CHANGES OF USE**

#### *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 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 235 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) of that Schedule.**

#### *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, 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 Schedule to the Use Classes Order and as a single flat, 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, 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 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;
- (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;
- (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.

### **Development not permitted**

**G.1.** Development is not permitted by Class G unless the 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.

## **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.

### 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.



## **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;**

- (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.

## Conditions

### A.2.

- (1) 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;
  - (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).

### ***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.

**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;
- (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.

**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.

### ***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;

“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.

## **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.

## **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—

“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.

## **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 1980(29).

## **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(30)(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, outside a metropolitan county, the county planning authority,
- (c) in any other case, the district planning authority(31).

## **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—**

(30) **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).

(31) 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.

- (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 1980<sup>(32)</sup> (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.

## **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.

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(32) 1980 c. 65.

## **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(33) (interpretation) other than the National Rivers Authority.

## **PART 15**

### **DEVELOPMENT BY THE NATIONAL RIVERS AUTHORITY**

#### *Class A*

#### **Permitted development**

**A. Development by the National Rivers Authority, for the purposes of their 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(34) (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—

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(33) 1991 c. 59.

(34) 1991 c. 57.

- (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.

### **Condition**

**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;

“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
  - (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<sup>(35)</sup> (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<sup>(36)</sup>.

(35) 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).

(36) 1945 c. 18 (9 and 10 Geo. 6).

### *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(37) (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 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 1991(38) (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,**

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(37) 1968 c. 73.

(38) 1991 c. 57.

- (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).

### *Class F Gas suppliers*

#### 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 1965(39) (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 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.

#### Development not permitted

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

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(39) 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).

- (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 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 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, outside a metropolitan county, the county planning authority,
  - (iii) in any other case, the district planning authority<sup>(40)</sup>.

## *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—**

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<sup>(40)</sup> 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.

- (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 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<sup>(41)</sup> (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 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

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(41) 1989 c. 29.

- (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, outside a metropolitan county, the county planning authority,
  - (iii) in any other case, the district planning authority<sup>(42)</sup>.

## 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” means a wire or cable (including its casing or coating) which forms part of a telecommunication apparatus within the meaning assigned to that term by paragraph 1 of Schedule 2 to the Telecommunications Act 1984<sup>(43)</sup> (the telecommunications 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 Act<sup>(44)</sup> (meaning of “operational land”) if such licence holders were statutory undertakers for the purpose of that section.

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<sup>(42)</sup> 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.

<sup>(43)</sup> 1984 c. 12.

<sup>(44)</sup> Section 263 was amended by paragraph 23 of Schedule 6 to the Planning and Compensation Act 1991 (c. 34).

### ***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,
- (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(45) 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.

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(45) 1894 c. 60.



### *Class J Post Office*

#### **Permitted development**

##### **J. Development required for the purposes of the Post Office 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.

#### **Interpretation of Part 17**

##### **K. For the purposes of Part 17—**

“transport legislation” means section 14(1)(d) of the Transport Act 1962(46) (supplemental provisions relating to the Boards' powers) or section 10(1)(x) of the Transport Act 1968(47) (general powers of Passenger Transport Executive).

## **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%;

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(46) 1962 c. 46.

(47) 1968 c. 73.

- (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 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 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 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.

***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 G Development by the Civil Aviation Authority for air traffic control etc.*

**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 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—

“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(48) (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).

## **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;

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(48) 1986 c. 31.

- (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 1994<sup>(49)</sup> (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,

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<sup>(49)</sup> 1994 c. 21.

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
  - (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);
- (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(50), 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 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(51)(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.

# **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

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(51) 1994 c. 21.



- (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,
  - (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 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;
- (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 would exceed 1.5 metres, when measured in any dimension;
  - (iii) in the case of antennas other than dish antennas, the development 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 would exceed 3.5 metres, when measured in any dimension;
  - (ii) in the case of antenna systems other than dish antennas, the development 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, 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 1989<sup>(52)</sup> (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;
  - (k) 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) it would exceed 90 cubic metres or, if located on the roof of a building, it would exceed 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;
- or
- (l) it would consist of the installation, alteration or replacement of any telecommunication apparatus on, or within the curtilage of, a dwellinghouse.

## 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) 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

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<sup>(52)</sup> 1989 c. 22.

(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;
- (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).

(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;

“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”)(53) (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).

## 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;

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(53) 1984 c. 12.



- (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;
- (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<sup>(54)</sup> (definitions of driver information systems etc.).

### 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.

### *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.**

### 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—
  - (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;

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(54) 1989 c. 22.

- (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.

**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.

## **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 1936<sup>(55)</sup> (power of local authority to control use of moveable dwellings).

## **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**

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<sup>(55)</sup> 1936 c. 49.

- (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 side-shows; 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 1989<sup>(56)</sup> (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.).

## **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;

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(56) 1989 c. 22.

- (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 1991<sup>(57)</sup> (new roads in England and Wales); and

“toll road” means a road which is the subject of a toll order.

## **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.

#### **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) 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;
  - (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;

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<sup>(57)</sup> 1991 c. 22.

- (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;
- (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) 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 subparagraph (ii).

### Interpretation of Class A

#### A.3. For the purposes of Class A—

“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),
- (b) required or permitted to be carried out by or under any enactment, or
- (c) required to be carried out by virtue of a relevant obligation;

“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<sup>(58)</sup> (planning obligations), or under section 299A of the Act<sup>(59)</sup> (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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<sup>(58)</sup> 1991 c. 34.

<sup>(59)</sup> 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.

### ***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.**

## **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 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.

## SCHEDULE 3

Article 9

### STATUTORY INSTRUMENTS REVOKED

1 <i>Title of Instrument</i>	2 <i>Reference</i>	3 <i>Extent of Revocation</i>
The Town and Country Planning General Development Order 1988	S.I.1988/1813	Paragraphs (3), (5), (6) and (7) of article 1 and articles 3, 4, 5 and 6 and Schedules 1 and 2
The Town and Country Planning General Development (Amendment) Order 1989	S.I. 1989/603	Paragraphs (2) to (8) of article 2
The Town and Country Planning General Development (Amendment) (No. 2) Order 1989	S.I. 1989/1590	Paragraphs (3) and (4) of article 2
The Town and Country Planning General Development (Amendment) Order 1990	S.I. 1990/457	The whole Order to the extent not already revoked
The Town and Country Planning General Development (Amendment) (No. 2) Order 1990	S.I. 1990/2032	The whole Order
The Town and Country Planning General Development (Amendment) Order 1991	S.I. 1991/1536	The whole Order to the extent not already revoked
The Town and Country Planning General Development	S.I. 1991/2268	The whole Order to the extent not already revoked

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1 <i>Title of Instrument</i>	2 <i>Reference</i>	3 <i>Extent of Revocation</i>
(Amendment) (No. 2) Order 1991		
The Town and Country Planning General Development (Amendment) (No. 3) Order 1991	S.I. <a href="#">1991/2805</a>	Articles 8, 9 and 10 and the Schedule
The Town and Country Planning General Development (Amendment) Order 1992	S.I. <a href="#">1992/609</a>	The whole Order
The Town and Country Planning General Development (Amendment) (No. 2) Order 1992	S.I. <a href="#">1992/658</a>	Article 3
The Town and Country Planning General Development (Amendment) (No. 3) Order 1992	S.I. <a href="#">1992/1280</a>	The whole Order
The Town and Country Planning General Development (Amendment) (No. 4) Order 1992	S.I. <a href="#">1992/1493</a>	Articles 8, 9 and 12(2)
The Town and Country Planning General Development (Amendment) (No. 5) Order 1992	S.I. <a href="#">1992/1563</a>	Paragraph 2 of the Schedule
The Town and Country Planning General Development (Amendment) (No. 6) Order 1992	S.I. <a href="#">1992/2450</a>	Articles 2, 3, 4 and 6
The Town and Country Planning General Development (Amendment) Order 1994	S.I. <a href="#">1994/678</a>	Article 4
The Town and Country Planning General Development (Amendment) (No. 2) Order 1994	S.I. <a href="#">1994/2595</a>	Articles 4, 5 and 6 and paragraph (3) of article 7
The Town and Country Planning General Development (Amendment) Order 1995	S.I. <a href="#">1995/298</a>	The whole Order except article 3(1)

## EXPLANATORY NOTE

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

This Order consolidates with amendments the permitted development provisions of the Town and Country Planning General Development Order 1988 and subsequent amending instruments. A separate order, the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419), consolidates with amendments the remaining provisions which deal with procedures connected with planning applications and related matters.

The main purpose of this Order is to grant planning permission for certain classes of development without any requirement for an application to be made under Part III of the Town and Country Planning Act 1990. Schedule 2 to the Order, which is subject to the provisions of the Order and to regulations 60 to 63 of the Conservation (Natural Habitats, &c.) Regulations 1994, sets out these classes of development in detail. In some circumstances, the permission given is subject to extensive qualifications and restrictions.

The main changes made by the Order are—

- (a) the inclusion of provisions (**paragraphs (10) to (12) of article 3**) which relate to the further implementation in England and Wales of Council Directive [85/337/EEC](#) (OJ No. L175, 5.7.85, p. 40). **Paragraph (10)** excludes from the descriptions of development for which planning permission would otherwise be granted by paragraph (1) certain descriptions of development which, if they were the subject of an application for planning permission, would require environmental assessment, in accordance with the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (S.I. [1988/1199](#)) (“the 1988 Regulations”), before permission could be granted. **Paragraph (11)** provides for opinions and directions given under the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995 (S.I. [1995/417](#)), as to whether proposed development would require environmental assessment under the 1988 Regulations, to have effect for the purpose of article 3(10) of the Order. **Paragraph (12)** excludes certain descriptions of development from the ambit of paragraph (10);
- (b) the inclusion of provisions in **article 4(2)** enabling a local planning authority to issue a direction withdrawing certain permitted development rights, within the whole or any part of a conservation area, in relation to all or any particular development described in **article 4(5)**. These directions are subject to the new procedures in **article 6** relating to notices and confirmation by the local planning authority and are not subject to approval by the Secretary of State;
- (c) the inclusion of permitted development rights for the demolition of gates, fences, walls or other means of enclosure. By virtue of the Town and Country Planning (Demolition—Description of Buildings) Direction 1995, made under section 55(2)(g) of the Town and Country Planning Act 1990 and which comes into force on the date of the coming into force of this Order, such demolition is development only if it is within a conservation area (**Class B of Part 31 of Schedule 2**);
- (d) the inclusion of permitted development rights for closed circuit television cameras (**Part 33 of Schedule 2**).

A Compliance Cost Assessment has been prepared in connection with article 3(10) and the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995.

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It has been placed in the Libraries of both Houses of Parliament. Copies may be obtained from PD5A Division, Room C15/03, Department of the Environment, 2 Marsham Street, London SW1P 3EB (telephone 0171-276 3865) or from the Planning Division, Welsh Office, Cathays Park, Cardiff CF1 3NQ (telephone 01222 823479).