

SCHEDULE 2

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 height of the resulting building would exceed the height of the highest part of the roof of the original dwellinghouse;
- (c) any part of the resulting building would be nearer to any highway which bounds its curtilage than—
 - (i) the part of the original dwellinghouse nearest to that highway; or
 - (ii) 20 metres,whichever is nearest to the highway;
- (d) any part of the resulting building which is within 2 metres of the boundary of the curtilage of the dwellinghouse 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—

Status: This is the original version (as it was originally made).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

- (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 is 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 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, 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) 20 metres,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” 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.

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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 3500 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) 20 metres,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) when measured in any dimension would exceed 90 centimetres;
- (b) there is any other satellite antenna on the dwellinghouse or within its curtilage;
- (c) the highest part of the antenna to be installed on a dwellinghouse would be higher than the highest part of the roof on which it would be installed.

Interpretation of Part I

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.

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

C.2 In Class C “painting” includes any application of colour.

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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 floorspace 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 change in the use of any building or other land from a use permitted by a 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 date of coming into force of this order;
- (b) it would be carried out more than ten 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.

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 this Class shall be removed, and
- (b) any adjoining land on which development permitted by this Class 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, or

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- (b) the use of the land is for a caravan site.

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;
- (c) clay pigeon shooting.

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, 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

Permitted development

A. The carrying out on agricultural land comprised in an agricultural unit of—

- (a) **works for the erection, extension or alteration of a building, or**
- (b) **any excavation or engineering operations,**

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 agricultural land less than 0.4 hectare in area;
- (b) it would consist of or include the erection, extension or alteration of a dwelling;
- (c) a building, structure or works not designed for the purposes of agriculture would be provided on the land;
- (d) the ground area to be covered by—
 - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
 - (ii) any building erected or any building as extended or altered by virtue of this Class, would exceed 465 square metres, calculated as described in paragraph A.3.
- (e) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (f) the height of any part of the 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 the metalled portion of a trunk or classified road;
- (h) it would consist of engineering operations of a kind described in Class C below; or
- (j) it would consist of or include the erection or construction of, or the carrying out of any works to, a building, structure or excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge, and the building, structure or works is or would be within 400 metres of the curtilage of any protected building.

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 or the storage of slurry or sewage sludge within a period of five years from the carrying out of those operations;
- (b) where the development involves—
 - (i) the extraction of any mineral from the land or from any disused railway embankment on the land, or
 - (ii) the removal of any mineral from a mineral-working deposit on the land, the mineral shall not be moved off the land, unless planning permission for the winning and working of that mineral has been granted on an application made under Part III of the Act;
- (c) in the case of development which involves the deposit of waste materials on or under the land, no waste materials shall be brought onto the land from elsewhere except for development of the kind described in Class A(a) or the creation of a hard surface, where the materials are incorporated into the building or works forthwith.

(2) In the case of any article 1(6) land, development consisting of the erection, extension or alteration of a building is permitted by Class A subject to the following conditions—

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- (a) the developer shall, before beginning the development give the local planning authority a written description of the proposed development, the materials to be used and a plan indicating the site, and shall not begin the development until a period of 28 days has elapsed from their receipt by the authority;
- (b) if within 28 days of receiving that description and plan the local planning authority give the developer notice in writing to that effect, the development shall not be begun without the prior approval of that authority to the siting, design and external appearance of the building;
- (c) the development shall, except to the extent that the local planning authority have agreed otherwise in writing, be carried out in accordance with—
 - (i) any details approved by that authority in accordance with subparagraph (b) above, or
 - (ii) the description and indication of siting given to them under subparagraph (a) above;
- (d) 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 subparagraph (a).

Interpretation of Class A

A.3

(1) For the purposes of Class A—

- (a) the area of 0.4 hectares shall be calculated without taking into account any separate parcels of land;
- (b) the ground area referred to in paragraph A.1(d) is 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 or machinery within the same unit which is being provided or has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;
- (c) 400 metres is to be measured along the ground.

(2) For the purposes of this class—

“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;

“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,
- (ii) a building used for a purpose referred to in classes B3 to B7 (special industrial uses) of the Schedule to the Use Classes Order, or
- (iii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.

Class B

Permitted development

B. 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

B.1 Development is not permitted by Class B if any excavation would be made within 25 metres of the metalled portion of a trunk or classified road.

Condition

B.2 Development is permitted by Class B 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 Class B

B.3 For the purposes of Class B the expression “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.

Class C

Permitted development

C. The carrying out on agricultural land used for the purposes of any registered business of fish farming or of shellfish farming of—

- (a) **operations for the construction of fishponds, or**
- (b) **other engineering operations for the purposes of that business.**

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) the area of the site within which the operations would be carried out exceeds 2 hectares;
- (b) any part of the operation would be carried out within 25 metres of the metalled portion of a trunk or classified road;
- (c) in a case where the operations would involve the winning or workings of minerals—
 - (i) any excavation would exceed a depth of 2.5 metres; or
 - (ii) the area of any excavation, taken together with any other excavations carried out on the land within the preceding two years, would exceed 0.2 hectares.

Interpretation of Class C

C.2 For the purposes of Class C—

“construction of fishponds” includes the excavation of land and the winning and working of minerals for that purpose;

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“fishpond” means a pond, tank, reservoir, stew or other structure used for the keeping of live fish or the cultivation or propagation of shellfish;

“registered business of fish farming or shellfish farming” means such a business registered in a register kept by the Minister of Agriculture Fisheries and Food or the Secretary of State (as the case may be) for the purposes of an order made under section 7 of the Diseases of Fish Act 1983(1).

Interpretation of Part 6

D. 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.

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 this Class 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 or classified road.

Conditions

A.2 In the case of any article 1(6) land, development consisting of the erection, extension or alteration of a building or the formation or alteration of a private way is permitted by this class subject to the following conditions—

- (a) the developer shall before beginning the development, give the local planning authority a written description of the proposed development and the materials to be used and a

(1) 1983 c. 30.

- plan indicating the site, and shall not begin the development until a period of 28 days has elapsed from their receipt by the authority;
- (b) if within 28 days of receiving that description and plan the local authority give the developer notice in writing to that effect, the development shall not be begun without the prior approval of that authority to the siting, design and external appearance of the building and the siting and means of construction of the private way;
 - (c) the development shall, except to the extent that the local planning authority have agreed otherwise in writing, be carried out in accordance with—
 - (i) any details approved by that authority in accordance with subparagraph (b), or
 - (ii) the description and indication of siting given to them under subparagraph (a);
 - (d) 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 subparagraph (a).

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 the carrying out of an industrial process, or, in the case of a warehouse, other than storage or distribution;
- (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 floorspace 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

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- (h) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Interpretation of Class A

A.2

- (1) For the purposes of Class A—
 - (a) the erection of any additional building within the curtilage of another building (whether by virtue of this class 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.

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 creation 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 of this Part—

“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;

“warehouse” 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

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

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.

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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) any order made under section 14 or 16 of the Harbours Act 1964⁽²⁾

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 detailed plans and specifications of the appropriate authority 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 this class “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.

(2) 1964 c. 40.

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—

- (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 The reference in Class A to any small building, works or equipment is a reference to 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.

PART 13
DEVELOPMENT BY LOCAL HIGHWAY AUTHORITIES
Class A

Permitted development

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.

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

PART 14

DEVELOPMENT BY DRAINAGE BODIES

Class A

Permitted development

A. Development by a drainage body in, on or under a watercourse or land drainage works in connection with the improvement, maintenance or repair of the watercourse or works.

Interpretation of Class A

A.1 For the purposes of Class A “drainage body” means a drainage body within the meaning of the Land Drainage Act 1976(3) which is not a water authority.

PART 15

DEVELOPMENT BY WATER AUTHORITIES

Class A

Permitted development

- A. Development by a water authority for the purposes of their functions 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) **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,**
 - (c) **development in, on or under any watercourse or land drainage works and required in connection with the improvement or maintenance or repair of that watercourse or those land drainage works,**
 - (d) **the provision of a building, plant or machinery or apparatus in, on, over or under land for the purpose of survey or investigation,**
 - (e) **the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel,**
 - (f) **the installation in a water distribution system of a booster station, valve house, meter or switch-gear house,**
 - (g) **any works authorised by or required in connection with an order made under section 1 or 2 of the Drought Act 1976(4),**
 - (h) **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—

(3) 1976 c. 70.

(4) 1976 c. 44.

- (a) in the case of any Class A(b) development, it would include the construction of a reservoir,
- (b) in the case of any Class A(f) development involving the installation of a station or house 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,
- (c) in the case of any Class A(h) 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, or
 - (ii) the height of the original building would be exceeded, or the content of the original building would be exceeded by more than 25%, or
 - (iii) the floorspace of the original building would be exceeded by more than 1,000 square metres, or
- (d) in the case of any Class A(h) 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(d) 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 or 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 FOR SEWERAGE AND SEWAGE DISPOSAL

Permitted development

A. Any development not above ground level on behalf of a water authority required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe or sludge main or associated apparatus.

Interpretation of Class A

A.1 For the purposes of Class A “water authority” includes a development corporation authorised under section 34 of the New Town Act 1981(5) to exercise powers relating to sewerage or sewage disposal.

(5) 1981 c. 64.

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

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 constructions 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,
 - (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.

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(6) 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 undertaking 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 1 or 2 of the Drought Act 1976(7),

(6) 1968 c. 73.

(7) 1976 c. 44.

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

- (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,
- (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 6 months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant or 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(8), 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;**

(8) 1965 c. 36.

- (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—

- (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 Energy for the purpose of section 4(6) of the Gas Act 1965; or
 - (ii) any plant or machinery would exceed 6 metres in height,
- (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 8 weeks before the beginning of operations to lay a notifiable pipeline, 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 pipeline 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 9 months from the beginning of the development, whichever is the sooner, the pipe or apparatus 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.

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

Class G

Electricity Undertakings

Permitted development

G. Development by statutory undertakers for the supply of electricity for the purposes of their undertaking consisting of—

- (a) **the laying underground of pipes, cables or any other apparatus, and the construction of shafts and tunnels reasonably necessary in connection with such pipes, cables or apparatus;**
- (b) **the installation in an electric line of feeder or service pillars or transforming or switching stations or chambers;**
- (c) **the installation of service lines to individual consumers from an electric line;**
- (d) **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;**
- (e) **the extension or alteration of buildings on operational land;**
- (f) **the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;**
- (g) **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(b) development involving the installation of a chamber 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 G(e) 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 10% in the case of any building on article 1(5) land), or
 - (iii) the floorspace of the original building would be exceeded by more than 1000 square metres (or 500 square metres in the case of any building on article 1(5) land);
- (c) in the case of any Class G(f) development, the building would exceed 15 metres in height, or
- (d) in the case of any Class G(g) 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
 - (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(d) 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 such plant or machinery shall be removed and the land shall be restored as soon as reasonably practicable to its condition before the development took place,
- (b) in the case of any Class G(f) 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.

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 the 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 an omnibus or tramway station, in pursuance of powers contained in transport legislation.

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

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(9) 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 Act of 1894.

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.

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.

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.

(9) [1894 c. 60.](#)

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 floorspace of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floorspace of the building as existing at the date of coming into force of this order or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (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.3(2).

Interpretation of Class A

A.3

(1) For the purposes of paragraph A.1 floorspace shall be calculated by external measurement and without taking account of the floorspace in any pier or satellite.

(2) 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—

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

- (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 the 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 6 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 6 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 6 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.

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

Class J

Use of airport buildings managed by relevant airport operators

Permitted development

J. 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

K. 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(10) applies;

“relevant airport operator” means a relevant airport operator within the meaning of section 57 of the Airports Act 1986.

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) otherwise than on an approved site; or
 - (ii) from a date 6 months after the coming into force of this order, on land within the definition in paragraph D.1(b), unless a plan of that land has before that date been deposited with the mineral planning authority;
- (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

(10) 1986 c. 31.

- (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 any building, plant or machinery which is not in an excavation would exceed a height of—
 - (i) 15 metres above ground level;
 - (ii) the building, plant or machinery, if any, which is being rearranged, repaired or replaced,whichever is the greater;
- (e) if any building, plant or machinery in an excavation would exceed a height of—
 - (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 building, plant or machinery, if any, which is being rearranged, repaired or replaced,whichever is the greatest;
- (f) if any building erected (other than a replacement building) would have a floor space exceeding 1000 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 1000 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 or machinery permitted by this Class 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—

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- (a) in relation to land at an underground mine—
 - (i) otherwise than on an approved site; or
 - (ii) from a date 6 months after the coming into operation of this order, on land within the definition in paragraph D.1(b), unless a plan of that land has, before that date, been deposited with the mineral planning authority; 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 or erections permitted by this Class 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 British Coal Corporation, or any lessee or licensee of theirs.

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 a building, plant or machinery is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was replaced, rearranged 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) below.
- (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 area 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 the date of coming into force of this order, 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;

“minerals” includes coal won or worked by virtue of section 36(1) of the Coal Industry Nationalisation Act 1946⁽¹¹⁾, but not any other 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 proposed building, plant or machinery as erected, installed, extended or altered;

“underground mine” is a mine at which minerals are worked principally by underground methods.

(11) 1946 c. 59.

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PART 20

BRITISH COAL MINING DEVELOPMENT

Class A

Permitted development

A. The winning and working underground by the British Coal Corporation, their lessees or licensees, in a mine started before 1st July 1948, of coal or coal-related minerals, and any underground development incidental to such winning and working.

Interpretation of Class A

A.1. For the purposes of this class “coal-related minerals” means minerals other than coal referred to in paragraph 1(2) of Schedule 1 to the Coal Industry Nationalisation Act 1946.

Class B

Permitted development

B. Any development required for the purposes of a mine which is carried out on an authorised site at that mine by the British Coal Corporation, their lessees or licensees, in connection with coal industry activities.

Development not permitted

B.1. Development is not permitted by Class B 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 replaced, rearranged or repaired, whichever is the greater;
- (c) any building erected (other than a replacement building) would have a floor space exceeding 1000 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 1000 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) from a date 6 months after the coming into force of this order, it would be carried out on land within the definition in paragraph F.2(1)(b), and a plan of that land has not, before that date, been deposited with the mineral planning authority.

Conditions

B.2. 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 and machinery, structures or erections or deposits of minerals or waste permitted by this class 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 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 the British Coal Corporation, their lessees or licensees in connection with coal industry activities and with the prior approval of the mineral planning authority.

Development not permitted

C.1. Development is not permitted by Class C 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) from a date 6 months after the coming into force of this order, it would be carried out on land within the definition in paragraph F.2(1)(b), and a plan of that land has not before that date, been deposited with the mineral planning authority.

Condition

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 and machinery, structures or erections or deposits of minerals or waste permitted by this class 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

C.3. The prior 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.

Class D

Permitted development

D. The carrying out of operations by the British Coal Corporation for the purpose of prospecting for coal workable by opencast methods and the use of land for that purpose while such operations are being carried out.

Conditions

D.1. Development is permitted by Class D subject to the following conditions—

- (a) at least 42 days before the development is begun, notice in writing has been served on the mineral planning authority, indicating the nature, extent and probable duration of the development;
- (b) as soon as possible after the end of the period of the carrying out of the prospecting operations—
 - (i) any buildings, plant, machinery or waste materials shall be removed; and
 - (ii) any boreholes shall be sealed and any other excavations filled in and levelled, any topsoil removed being replaced as the uppermost layer.

Class E

Permitted development

E. The carrying out by the British Coal Corporation, their lessees or licensees, 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 or 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 replaced, rearranged 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(c) are—

- (i) 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
- (ii) that the floor area 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” is a surface access to underground workings which is in normal and regular use for the transportation of coal, materials, spoil or men;

“coal industry activities” means such activities as defined in section 63 of the Coal Industry Nationalisation Act 1946;

“normal and regular use” is use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery;

“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 or 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 the date of coming into force of this order, was in use for the purposes of that mine in connection with coal industry activities.

(2) For the purposes of sub-paragraph (1), land is not to be regarded as in use in connection with coal industry activities 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 pipeline 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—

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- (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 the date of the making of this order) 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

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;

“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 that 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 colliery production activities.

Development not permitted

B.1. Development is not permitted by Class B on or after a date 3 months after the coming into force of this order unless—

- (a) it is in accordance with a relevant scheme which has been approved by the mineral planning authority before the date of coming into force of this order; or
- (b) an application for planning permission has been made—
 - (i) the development is in terms of the permission sought; and

- (ii) the application has not been determined by the mineral planning authority, or, if an appeal is made, the Secretary of State.

Interpretation of Class B

B.2. For the purposes of Class B—

“colliery production activities” has the meaning it is given in paragraph 2 of Schedule 1 to the Coal Industry Nationalisation Act 1946⁽¹²⁾.

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, 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 or a site of archaeological or 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;

(12) 1946 c. 59.

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- (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
- (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 this class subject to the following conditions—

- (a) no operations shall be carried out between 6pm and 7am;
- (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, in a particular case, agreed otherwise in writing—
 - (i) any structure permitted by Class A and any waste material arising from development permitted by Class A 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.

Interpretation of Class A

A.3. For the purposes of Class A—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.

Class B

Permitted development

B. Development on any land during a period not exceeding 4 months 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 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, in a particular case, agreed otherwise in writing—
 - (i) any structure permitted by Class B and any waste material arising from 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.

Interpretation of Class B

B.3. For the purposes of Class B—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 6, 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

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- (b) where a direction is issued under article 6, 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;

“structure” means a building, plant or machinery or other structure.

PART 23

REMOVAL OF MATERIAL FROM MINERAL-WORKING DEPOSITS

Class A

Permitted development

A. The removal of material of any description from a mineral-working deposit from which material was removed at any time during the period of 12 months before 19th May 1986.

Development not permitted

A.1. Development is not permitted by Class A—

- (a) if no application was made before 19th November 1986 for planning permission to continue to remove material from the deposit;
- (b) where such an application has been made, except in the terms of the planning permission sought;
- (c) if the application has been determined by the mineral planning authority, or, if an appeal has been made, finally determined by the Secretary of State; or
- (d) if the removal of material from the deposit during the 12 month period was in breach of planning control.

Class B

Permitted development

B. The removal of material of any description from a stockpile.

Class C

Permitted development

C. The removal of material of any description from a mineral-working deposit other than a stockpile.

Development not permitted

C.1. Development is not permitted by Class C if—

- (a) the developer has not previously notified the mineral planning authority in writing of his intention to carry out development together with the appropriate details;
- (b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains any mineral or other material deposited on the land at a date 5 years or less before the date on which it would be removed; 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

C.2. Development is permitted by Class C 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 C.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 3 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 C

C.3. In Class C—

“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;

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 6, 28 days after the notification referred to in paragraph C.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 6, 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

D. In Classes B and C of this Part—

“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—

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- (a) **the installation, alteration or replacement of any telecommunication apparatus, or**
- (b) **the use of land in an emergency for a period not exceeding 6 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.**

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 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 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 or replacement of any apparatus other than—
 - (i) a mast,
 - (ii) any kind of antenna,
 - (iii) a public call box, or
 - (iv) any apparatus which does not project above the level of the surface of the ground, the ground or base area of the structure would exceed 1.5 square metres;
- (f) in the case of the installation, alteration or replacement on a building or structure of a microwave antenna or apparatus which includes or is intended for the support of such an antenna—
 - (i) the building or other structure on which the antenna is to be installed is less than 15 metres in height;
 - (ii) the size of the antenna when measured in any dimension would exceed 1.3 metres (excluding any projecting feed element); or
 - (iii) the development would result in the presence on the building or structure of more than two microwave antennas; or
- (g) in the case of development on any article 1(5) land, it would consist of—
 - (i) the installation or alteration of a microwave 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 any emergency.

Conditions

A.2.—(1) Class A(a) development is permitted subject to the condition that any antenna or supporting apparatus 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(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.

(3) Development on any article 1(5) land is permitted by Class A subject to the condition that in the case of the installation of apparatus on or over land controlled by the operator, he shall—

- (a) except in a case of emergency, give notice in writing to the local planning authority not less than eight weeks before development is begun of his intention to carry out such development; or
- (b) in a case of emergency, give written notice of such installation as soon as possible after the emergency begins.

Interpretation

A.3. For the purposes of this class—

“1984 Act” means the Telecommunications Act 1984(13);

“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;

“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;

“relevant period” means a period which expires either six months from the commencement of the use permitted by this paragraph or when the need for that use ceases, whichever occurs first;

“telecommunications apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act;

“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 which applies the telecommunications code to him in pursuance of section 10 of that Act;

“telecommunication system” has the meaning assigned to that term by section 4(1) of the 1984 Act.

(13) 1984 c. 12.

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PART 25

OTHER TELECOMMUNICATIONS DEVELOPMENT

Class A

Permitted development

A. The installation, alteration or replacement on any building or other structure 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;
- (b) the development is permitted by Part 24;
- (c) the building or structure is less than 15 metres in height;
- (d) the development would result in the presence on the building or structure of more than two microwave antennas;
- (e) 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;
- (f) 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; or
- (g) it is on article 1(5) land.

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.

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, water-course 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 6 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

A.2. For the purposes of Class A, a “recreational organisation” is an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936(14).

(14) 1936 c. 49.

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

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) in the case of any plant or machinery installed, extended, altered or replaced pursuant to this permission, that plant or machinery—
 - (i) would, 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
 - (ii) would 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.