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STATUTORY INSTRUMENTS

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**1992 No. 1280**

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

**The Town and Country Planning General  
Development (Amendment) (No. 3) Order 1992**

<i>Made</i>	- - - -	<i>2nd June 1992</i>
<i>Laid before Parliament</i>		<i>3rd June 1992</i>
<i>Coming into force</i>	- -	<i>27th July 1992</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 60 and 333(7) of the Town and Country Planning Act 1990(1) and all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Town and Country Planning General Development (Amendment) (No. 3) Order 1992 and shall come into force on 27th July 1992.

(2) In this Order “the 1988 Order” means the Town and Country Planning General Development Order 1988(2).

**Permitted development**

2. In article 3 of the 1988 Order (permitted development), before paragraph (9) insert—

“(8A) Except as provided in Part 31 thereof, Schedule 2 does not authorise any development which requires or involves the demolition of a building, but in this paragraph “building” does not include part of a building.”

**Approval of Secretary of State for article 4 directions**

3. In article 5 of the 1988 Order (approval of Secretary of State for article 4 directions), in paragraph (4), after “Parts 1 to 4” insert “or Part 31”.

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(1) 1990 c. 8.

(2) S.I.1988/1813; relevant amending instruments are S.I. 1991/1536, 1992/609 and 1992/658.

## **Demolition of buildings**

4. After Part 30 of Schedule 2 to the 1988 Order insert—

### **“PART 31**

### **DEMOLITION OF BUILDINGS**

#### *Class A*

#### **Permitted development**

- A. Any building operation consisting of the demolition of a building

#### **Development not permitted**

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

- (a) a building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands; and
- (b) it is practicable to secure safety or health by works of repair or works for affording temporary support.

#### **Conditions**

- A.2 Development is permitted by Class A subject to the following conditions—

- (a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer shall, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;
- (b) where the demolition does not fall within condition (a) and is not excluded demolition—
  - (i) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of the proposed development and any proposed restoration of the site;
  - (ii) the application shall be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with sub-paragraph (iii) and any fee required to be paid;
  - (iii) subject to sub-paragraph (iv), the applicant shall post a notice ( “a site notice”), sited and displayed in such a way as to be readily visible and legible by members of the public on or near the land on which the building to be demolished is sited and shall leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;
  - (iv) the applicant shall not be treated as not having complied with sub-paragraph (iii) if the notice is, without any fault or intention of his, removed, obscured or defaced before the period of 21 days referred to in that sub-paragraph has elapsed, if he has taken reasonable steps for its protection and, if need be, replacement;

- (v) the development shall not be begun before the occurrence of one of the following—
  - (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (bb) where the local planning authority gives the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval; or
  - (cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
- (vi) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—
  - (aa) where prior approval is required, in accordance with the details approved;
  - (bb) where prior approval is not required, in accordance with the details submitted with the application; and
- (vii) the development shall be carried out—
  - (aa) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;
  - (bb) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-paragraph (ii).

### **Interpretation or Part 31**

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

“building” does not include part of a building;

“excluded demolition” means demolition—

- (a) on land which is the subject of a planning permission for the redevelopment of the land—
  - (i) granted under Part III of the Town and Country Planning Act 1990 (except under article 3 of, and this Schedule to, this Order), or
  - (ii) deemed to be granted under that Part of that Act, or
- (b) required or permitted to be carried out by or under any enactment, or
- (c) required to be carried out by virtue of a relevant obligation;

“relevant obligation” means—

- (a) an obligation arising under an agreement made under section 106 of the Town and Country Planning Act 1990, as originally enacted;

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

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- (b) a planning obligation entered into under section 106 of the Town and Country Planning Act 1990, as substituted by section 12 of the Planning and Compensation Act 1991(3), or under section 299A of the 1990 Act(4);
- (c) an obligation arising under or under an agreement made under any provision corresponding to section 106 of the Town and Country Planning Act 1990, as originally enacted or as substituted by the 1991 Act, or to section 299A of the 1990 Act; and

“site notice” means a notice containing—

- (a) the name of the applicant,
  - (b) a description, including the address, of the building or buildings which it is proposed be demolished,
  - (c) a statement that the applicant has applied to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of the proposed development and any proposed restoration of the site,
  - (d) the date on which the applicant proposes to carry out the demolition, and
  - (e) the name and address of the local planning authority,
- and which is signed and dated by or on behalf of the applicant.”

1st June 1992

*Michael Howard*  
Secretary of State for the Environment

2nd June 1992

*David Hunt*  
Secretary of State for Wales

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(3) 1991 c. 34.

(4) Section 299A was inserted by section 12(3) of the Planning and Compensation Act 1991.

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## EXPLANATORY NOTE

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

This Order amends the Town and Country Planning General Development Order 1988.

The main change is the introduction into Schedule 2 to the 1988 Order of permitted development rights relating to building operations consisting of the demolition of a building. The Town and Country Planning (Demolition — Description of Buildings) Direction 1992 specifies descriptions of buildings the demolition of which does not involve development.

Conditions are attached where—

- (a) demolition is urgently necessary in the interests of safety and health, and
- (b) demolition is not on land which is the subject of a planning permission for redevelopment, or is not required or permitted by or under any other enactment, or by virtue of a planning obligation.

In the case of demolition falling within (b) there is a requirement for the developer to apply for a determination as to whether the prior approval of the local planning authority is required to the method of the proposed development and any proposed restoration of the site (article 4).