
STATUTORY INSTRUMENTS

1995 No. 418

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) Order 1995 and shall come into force on 3rd June 1995.

(2) In this Order, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1990;

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960⁽¹⁾;

“aerodrome” means an aerodrome as defined in article 106 of the Air Navigation Order 1989⁽²⁾ (interpretation) which is—

- (a) licensed under that Order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and, for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in article 106;

“aqueduct” does not include an underground conduit;

“area of outstanding natural beauty” means an area designated as such by an order made by the Countryside Commission, as respects England, or the Countryside Council for Wales, as respects Wales, under section 87 of the National Parks and Access to the Countryside Act 1949⁽³⁾ (designation of areas of outstanding natural beauty) as confirmed by the Secretary of State;

“building”—

- (a) includes any structure or erection and, except in Parts 24, 25 and 33, and Class A of Part 31, of Schedule 2, includes any part of a building, as defined in this article; and
- (b) does not include plant or machinery and, in Schedule 2, except in Class B of Part 31 and Part 33, does not include any gate, fence, wall or other means of enclosure;

“caravan” has the same meaning as for the purposes of Part I of the 1960 Act (caravan sites);

(1) 1960 c. 62; a relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52).

(2) S.I. 1989/2004, to which there are amendments not relevant to this Order.

(3) 1949 c. 97; section 87 was amended by section 130 of, and paragraph 1(12) of Schedule 8 to, the Environmental Protection Act 1990 (c. 43).

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“classified road” means a highway or proposed highway which—

- (a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980⁽⁴⁾ (general provision as to principal and classified roads); or
- (b) is classified by the Secretary of State for the purposes of any enactment by virtue of section 12(3) of that Act;

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

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

“erection”, in relation to buildings as defined in this article, includes extension, alteration, or re-erection;

“existing”, in relation to any building or any plant or machinery or any use, means (except in the definition of “original”) existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

“industrial process” means a process for or incidental to any of the following purposes—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

“land drainage” has the same meaning as in section 116 of the Land Drainage Act 1976⁽⁵⁾ (interpretation);

“listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990⁽⁶⁾ (listing of buildings of special architectural or historic interest);

“by local advertisement” means by publication of the notice in at least one newspaper circulating in the locality in which the area or, as the case may be, the whole or relevant part of the conservation area to which the direction relates is situated;

“machinery” includes any structure or erection in the nature of machinery;

“microwave” means that part of the radio spectrum above 1,000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“mine” means any site on which mining operations are carried out;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

(4) 1980 c. 66.

(5) 1976 c. 70.

(6) 1990 c. 9.

“notifiable pipe-line” means a pipe-line, as defined in section 65 of the Pipe-lines Act 1962(7) (meaning of pipe-line), which contains or is intended to contain a hazardous substance, as defined in regulation 2(1) of the Notification Regulations (interpretation), except—

- (a) a pipe-line the construction of which has been authorised under section 1 of the Pipe-lines Act 1962 (cross-country pipe-lines not to be constructed without the Minister’s authority); or
- (b) a pipe-line which contains or is intended to contain no hazardous substance other than—
 - (i) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification Regulations (classes of hazardous substances not specifically named in Part I)) at a pressure of less than 8 bars absolute; or
 - (ii) a liquid or mixture of liquids, as specified in item 4 of Part II of that Schedule;

“Notification Regulations” means the Notification of Installations Handling Hazardous Substances Regulations 1982(8);

“original” means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built;

“plant” includes any structure or erection in the nature of plant;

“private way” means a highway not maintainable at the public expense and any other way other than a highway;

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation);

“public service vehicle” means a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981(9) (definition of public service vehicles) or a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988(10) (general interpretation);

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979(11) (schedule of monuments);

“by site display” means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“site of archaeological interest” means land which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments), or is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance), or which is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record;

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981(12) (areas of special scientific interest) applies;

“statutory undertaker” includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers), the Post Office, the Civil Aviation Authority, the National Rivers Authority, any water undertaker, any public gas supplier, and any licence

(7) 1962 c. 58.

(8) S.I. 1982/1357.

(9) 1981 c. 14; section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).

(10) 1988 c. 52.

(11) 1979 c. 46.

(12) 1981 c. 69.

holder within the meaning of section 64(1) of the Electricity Act 1989⁽¹³⁾ (interpretation etc. of Part 1);

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

“trunk road” means a highway or proposed highway which is a trunk road by virtue of section 10(1) or 19 of the Highways Act 1980⁽¹⁴⁾ (general provisions as to trunk roads, and certain special roads and other highways to become trunk roads) or any other enactment or any instrument made under any enactment;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987⁽¹⁵⁾.

(3) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(4) The land referred to elsewhere in this Order as article 1(4) land is the land described in Part 1 of Schedule 1 to this Order (land in listed counties).

(5) The land referred to elsewhere in this Order as article 1(5) land is the land described in Part 2 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc.).

(6) The land referred to elsewhere in this Order as article 1(6) land is the land described in Part 3 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

⁽¹³⁾ 1989 c. 29.

⁽¹⁴⁾ 1980 c. 66; section 19 was amended by section 21(1) of the New Roads and Street Works Act 1991 (c. 22).

⁽¹⁵⁾ S.I. 1987/764, amended by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297.