

SCHEDULE 2

PART 31

DEMOLITION OF BUILDINGS

Class A

A Permitted development

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

A.1 Development not permitted

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

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

A.2 Conditions

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

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

Status: This is the original version (as it was originally made).

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

A.3 Interpretation of Class A

A.3 For the purposes of Class A—

“excluded demolition” means demolition—

- (a) on land which is the subject of a planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part III of the Act (control over development),
- (b) required or permitted to be carried out by or under any enactment, or
- (c) required to be carried out by virtue of a relevant obligation;

“relevant obligation” means—

- (a) an obligation arising under an agreement made under section 106 of the Act, as originally enacted (agreements regulating development or use of land);
- (b) a planning obligation entered into under section 106 of the Act, as substituted by section 12 of the Planning and Compensation Act 1991⁽¹⁾ (planning obligations), or under section 299A of the Act⁽²⁾ (Crown planning obligations);
- (c) an obligation arising under or under an agreement made under any provision corresponding to section 106 of the Act, as originally enacted or as substituted by the Planning and Compensation Act 1991, or to section 299A of the Act; and

“site notice” means a notice containing—

- (a) the name of the applicant,
- (b) a description, including the address, of the building or buildings which it is proposed be demolished,

(1) 1991 c. 34.

(2) Section 299A was inserted by section 12(3) of the Planning and Compensation Act 1991 (c. 34).

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