
STATUTORY INSTRUMENTS

2010 No. 2184

The Town and Country Planning (Development Management Procedure) (England) Order 2010

PART 2

Applications

Design and access statements

- 8.—(1) This article applies to an application for planning permission which is not for—
- (a) permission to develop land without compliance with conditions previously attached, made pursuant to section 73 of the Act;
 - (b) engineering or mining operations;
 - (c) a material change in the use of land or buildings;
 - (d) development of an existing dwellinghouse or flat, or development within the curtilage of such a dwellinghouse or flat for any purpose incidental to the enjoyment of the dwellinghouse or flat as such, where no part of that dwellinghouse, flat or curtilage is within a designated area;
 - (e) the extension of an existing building used for non-domestic purposes where the floor space created by the development does not exceed 100 square metres and where no part of the building or the development is within a designated area;
 - (f) the erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure where—
 - (i) as a result of the development, the height of the gate, fence, wall or means of enclosure does not exceed its former height, or 2 metres above ground level, whichever is the greater; and
 - (ii) it does not involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building;and where no part of the development is within a designated area;
 - (g) development on operational land consisting of the erection of a building where—
 - (i) the cubic content of the development does not exceed 100 cubic metres; and
 - (ii) as a result of the development, the height of the building does not exceed 15 metres above ground level, or its former height, whichever is the greater;and where no part of the development is within a designated area;
 - (h) the alteration of an existing building where the alteration does not increase the size of the building and where no part of the building is within a designated area;
 - (i) the erection, alteration or replacement of plant or machinery where, as a result of the development, the height of the plant or machinery does not exceed 15 metres above ground

- level, or its former height, whichever is the greater, and where no part of the development is within a designated area; or
- (j) development that is the subject of an application of a kind referred to in article 18(1)(b) or (c).
- (2) An application for planning permission to which this article applies shall be accompanied by a statement (“a design and access statement”) about—
- (a) the design principles and concepts that have been applied to the development; and
- (b) how issues relating to access to the development have been dealt with.
- (3) A design and access statement shall—
- (a) explain the design principles and concepts that have been applied to the following aspects of the development—
- (i) amount;
- (ii) layout;
- (iii) scale;
- (iv) landscaping; and
- (v) appearance; and
- (b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account in relation to its proposed use.
- (4) A design and access statement shall also—
- (a) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
- (b) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
- (c) explain—
- (i) how any specific issues which might affect access to the development have been addressed;
- (ii) how prospective users will be able to gain access to the development from the existing transport network;
- (iii) why the main points of access to the site and the layout of access routes within the site have been chosen; and
- (iv) how features which ensure access to the development will be maintained.
- (5) In this article—
- “amount” means—
- (a) in relation to residential development, the number of proposed units for residential use; and
- (b) in relation to all other forms of development, the proposed floor space for each proposed use forming part of the development;
- “context” means the physical, social, economic and policy context of the development;
- “cubic content” means the cubic content of a building measured externally; and
- “designated area” means—
- (a) a conservation area;

- (b) a property appearing on the World Heritage List kept under article 11(2) of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (a World Heritage Site)(**1**).

(6) In this article, any reference to the height of a building or to plant or machinery shall be construed as a reference to its height when measured from ground level; and “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 to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(1) See <http://whc.unesco.org/en/conventiontext>.