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STATUTORY INSTRUMENTS

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**2013 No. 2147**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Permitted Development) (Amendment) (England) (No. 3) Order 2013**

<i>Made</i>	- - - -	<i>29th August 2013</i>
<i>Laid before Parliament</i>		<i>4th September 2013</i>
<i>Coming into force</i>	- -	<i>1st October 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(1), makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (England) (No.3) Order 2013 and comes into force on 1st October 2013.

(2) This Order applies in relation to England only.

**Amendment in relation to demolition of buildings in conservation areas**

2.—(1) Part 31 (demolition of buildings) of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(2) is amended as follows.

(2) In Class A, for paragraph A.1 substitute—

“**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 it is practicable to secure safety or health by works of repair or works for affording temporary support; or

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(1) 1990 c.8. Section 60 was amended by section 4 of the Growth and Infrastructure Act 2013 (c. 27). There are also other amendments to the 1990 Act which are not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(2) S.I. 1995/418, to which there are amendments not relevant to this Order.

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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) the demolition is “relevant demolition” for the purposes of section 196D of the Act<sup>(3)</sup> (demolition of an unlisted etc building in a conservation area).”
- (3) In Class A, in paragraph A.3 (interpretation of Class A) in the definition of “excluded demolition”—
- (a) after subparagraph (a) insert—
- “(aa) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979<sup>(4)</sup> (scheduled monument consent);
- (ab) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990<sup>(5)</sup> (listed building consent),” and,
- (b) in subparagraph (b) before the word “enactment” insert “other”.

Signed by authority of the Secretary of State for Communities and Local Government

*Nick Boles*  
Department for Communities and Local  
Government

29th August 2013

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(3) Section 196D was inserted into the Town and Country Planning Act 1990 (c. 8) by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

(4) 1979 c. 46.

(5) 1990 c. 9.

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## EXPLANATORY NOTE

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

This Order amends, in relation to England, Part 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) (“the Principal Order”).

Regulation 2(2) provides that demolition of certain unlisted etc. buildings in conservation areas is not permitted development for the purposes of the Principal Order – such demolition will require planning permission.

Regulation 2(3) provides that the demolition of a scheduled monument or listed building is permitted development, but is not subject to the conditions under Part 31 of the Principal Order. It should be noted that the demolition of a scheduled ancient monument will usually require consent under the Ancient Monuments and Archaeological Areas Act 1979 and the demolition of a listed building will usually require consent under the Planning (Listed Buildings and Conservation Areas) Act 1990.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.