

## SCHEDULE 2

Article 3

### Permitted development rights

## PART 1

### Development within the curtilage of a dwellinghouse

*Class A – enlargement, improvement or other alteration of a dwellinghouse*

#### **Permitted Development**

- A. The enlargement, improvement or other alteration of a dwellinghouse.

#### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
  - (i) forms the principal elevation of the original dwellinghouse; or
  - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;
- (g) until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

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- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;
- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
  - (i) exceed 4 metres in height,
  - (ii) have more than a single storey, or
  - (iii) have a width greater than half the width of the original dwellinghouse; or
- (k) it would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform,
  - (ii) the installation, alteration or replacement of a microwave antenna,
  - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (iv) an alteration to any part of the roof of the dwellinghouse.

**A.2** In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

### **Conditions**

**A.3** Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

**A.4.**—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

- (a) a written description of the proposed development including—
  - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
  - (ii) the maximum height of the enlarged part of the dwellinghouse; and

- (iii) the height of the eaves of the enlarged part of the dwellinghouse;
  - (b) a plan indicating the site and showing the proposed development;
  - (c) the addresses of any adjoining premises;
  - (d) the developer's contact address; and
  - (e) the developer's email address if the developer is content to receive communications electronically.
- (3) The local planning authority may refuse an application where, in the opinion of the authority—
- (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
- the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).
- (4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—
- (a) describes the proposed development, including—
    - (i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;
    - (ii) the maximum height of the enlarged part of the dwellinghouse; and
    - (iii) the height of the eaves of the enlarged part of the dwellinghouse;
  - (b) provides the address of the proposed development;
  - (c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10) (c) would expire; and
  - (d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.
- (6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.
- (7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.
- (8) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.
- (9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—
- (a) take into account any representations made as a result of the notice given under sub-paragraph (5); and
  - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.
- (10) The development must not begin before the occurrence of one of the following—

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- (a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;
  - (b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
  - (c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.
- (11) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(12) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.

(13) The development must be completed on or before 30th May 2019.

(14) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

- (15) The notification referred to in sub-paragraph (14) must be in writing and must include—
- (a) the name of the developer;
  - (b) the address or location of the development, and
  - (c) the date of completion.

#### *Class B – additions etc to the roof of a dwellinghouse*

### **Permitted development**

**B.** The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
  - (i) 40 cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform, or

- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (f) the dwellinghouse is on article 2(3) land.

### **Conditions**

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

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that—
  - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
    - (aa) the eaves of the original roof are maintained or reinstated; and
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
  - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

### **Interpretation of Class B**

**B.3** For the purposes of Class B, “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

**B.4** For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.

### *Class C – other alterations to the roof of a dwellinghouse*

### **Permitted development**

**C. Any other alteration to the roof of a dwellinghouse.**

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

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- (d) it would consist of or include—
  - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

### **Conditions**

**C.2** Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

### *Class D – porches*

### **Permitted development**

**D. *The erection or construction of a porch outside any external door of a dwellinghouse.***

### **Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the ground area (measured externally) of the structure would exceed 3 square metres;
- (c) any part of the structure would be more than 3 metres above ground level; or
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

### *Class E – buildings etc incidental to the enjoyment of a dwellinghouse*

### **Permitted development**

**E. *The provision within the curtilage of the dwellinghouse of—***

- (a) ***any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or***
- (b) ***a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.***

### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

- (c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,
  - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
  - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.

**E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

### **Interpretation of Class E**

**E.4.** For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

*Class F – hard surfaces incidental to the enjoyment of a dwellinghouse*

### **Permitted development**

**F.** *Development consisting of—*

- (a) *the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*
- (b) *the replacement in whole or in part of such a surface.*

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### **Development not permitted**

**F.1** Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

### **Conditions**

**F.2** Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

### *Class G – chimneys, flues etc on a dwellinghouse*

### **Permitted development**

**G. The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.**

### **Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or
- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which—
  - (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

### *Class H – microwave antenna on a dwellinghouse*

### **Permitted development**

**H. The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.**

### **Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) it would result in the presence on the dwellinghouse or within its curtilage of—
  - (i) more than 2 antennas;



- (ii) a single antenna exceeding 1 metre in length;
- (iii) 2 antennas which do not meet the relevant size criteria;
- (iv) an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres;
- (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
- (vi) an antenna with a cubic capacity in excess of 35 litres;
- (c) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (d) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lower; or
- (e) in the case of article 2(3) land, it would consist of the installation of an antenna—
  - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
  - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
  - (iii) on a building which exceeds 15 metres in height.

## **Conditions**

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

- (a) an antenna installed on a building must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes is removed as soon as reasonably practicable.

## **Interpretation of Class H**

**H.3** For the purposes of Class H—

- (a) the relevant size criteria for the purposes of paragraph H.1(b)(iii) are that—
  - (i) only 1 of the antennas may exceed 0.6 metres in length; and
  - (ii) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length;
- (b) the length of the antenna is to be measured in any linear direction, and excludes any projecting feed element, reinforcing rim, mounting or brackets.

## **Interpretation of Part 1**

**I.** For the purposes of Part 1—

“highway” includes an unadopted street or a private way;

“raised” in relation to a platform means a platform with a height greater than 0.3 metres; and

“terrace house” means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of paragraph (a); and

“unadopted street” means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980(1).

## PART 2

### Minor operations

*Class A – gates, fences, walls etc*

#### Permitted development

**A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

#### Development not permitted

**A.1** Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
  - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
  - (ii) in any other case, 1 metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

#### Interpretation of Class A

**A.2** For the purposes of Class A, “school” includes—

- (a) premises which have changed use under Class S or T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery as defined in paragraph X of Part 3; and
- (b) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4.

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(1) 1980 c. 66. See in particular sections 36, 328 and 329; section 36 was amended by Schedule 4 to the Local Government Act 1985 (c. 51), Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), section 64 of, and Schedule 4 to, the Transport and Works Act 1992 (c. 42), Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37) and S.I. 2006/1177. There are amendments to section 329 but none are relevant to this Order.

*Class B – means of access to a highway*

**Permitted development**

**B. *The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).***

*Class C – exterior painting*

**Permitted development**

**C. *The painting of the exterior of any building or work.***

**Development not permitted**

**C.1** Development is not permitted by Class C if the painting is for the purpose of advertisement, announcement or direction.

**Interpretation of Class C**

**C.2** In Class C, “painting” includes any application of colour.

*Class D – electrical outlet for recharging vehicles*

**Permitted development**

**D. *The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.***

**Development not permitted**

**D.1** Development is not permitted by Class D if the outlet and its casing would—

- (a) exceed 0.2 cubic metres;
- (b) face onto and be within 2 metres of a highway;
- (c) be within a site designated as a scheduled monument; or
- (d) be within the curtilage of a listed building.

**Conditions**

**D.2** Development is permitted by Class D subject to the conditions that when no longer needed as a charging point for electric vehicles—

- (a) the development is removed as soon as reasonably practicable; and
- (b) the wall on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

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*Class E – electrical upstand for recharging vehicles*

**Permitted development**

**E. *The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.***

**Development not permitted**

**E.1** Development is not permitted by Class E if the upstand and the outlet would—

- (a) exceed 1.6 metres in height from the level of the surface used for the parking of vehicles;
- (b) be within 2 metres of a highway;
- (c) be within a site designated as a scheduled monument;
- (d) be within the curtilage of a listed building; or
- (e) result in more than 1 upstand being provided for each parking space.

**Conditions**

**E.2** Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

- (a) the development is removed as soon as reasonably practicable; and
- (b) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

*Class F – closed circuit television cameras*

**Permitted development**

**F. *The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.***

**Development not permitted**

**F.1** Development is not permitted by Class F if—

- (a) the building on which the camera would be installed, altered or replaced is a listed building or a scheduled monument;
- (b) the dimensions of the camera including its housing exceed 0.75 metres by 0.25 metres by 0.25 metres;
- (c) any part of the camera would, when installed, altered or replaced, be less than 2.5 metres above ground level;
- (d) any part of the camera would, when installed, altered or replaced, protrude from the surface of the building by more than 1 metre when measured from the surface of the building;
- (e) any part of the camera would, when installed, altered or replaced, be in contact with the surface of the building at a point which is more than 1 metre from any other point of contact;
- (f) any part of the camera would be less than 10 metres from any part of another camera installed on a building;

- (g) the development would result in the presence of more than 4 cameras on the same side of the building; or
- (h) the development would result in the presence of more than 16 cameras on the building.

### **Conditions**

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

- (a) the camera is, so far as practicable, sited so as to minimise its effect on the external appearance of the building on which it is situated; and
- (b) the camera is removed as soon as reasonably practicable after it is no longer required for security purposes.

### **Interpretation of Class F**

**F.3** For the purposes of Class F—

“camera”, except in paragraph F.1(b), includes its housing, pan and tilt mechanism, infra-red illuminator, receiver, mountings and brackets; and

“ground level” means the level of the surface of the ground immediately adjacent to the building or, where the level of the surface of the ground is not uniform, the level of the highest part of the surface of the ground adjacent to it.

## **PART 3**

### **Changes of use**

*Class A – restaurants, cafes, takeaways or pubs to retail*

### **Permitted development**

**A.** *Development consisting of a change of use of a building from a use falling within Class A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule.*

### **Development not permitted**

**A.1** Development is not permitted by Class A during the specified period if the building is a specified building.

### **Conditions**

**A.2** In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order<sup>(2)</sup>, development is permitted by Class A subject to the following conditions.

(2) Before beginning the development the developer must send a written request to the local planning authority as to whether the building has been nominated, which must include—

- (a) the address of the building;

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(2) Classes A3 and A4 were inserted into the Use Classes Order by [S.I. 2005/84](#).

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- (b) the developer’s contact address; and
- (c) the developer’s email address if the developer is content to receive communications electronically.

(3) If the building is nominated, whether at the date of request under paragraph A.2(2) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period.

(4) The development must not begin before the expiry of a period of 56 days following the date of request under paragraph A.2(2) and must be completed within a period of 1 year of the date of that request.

### **Interpretation of Class A**

**A.3** For the purposes of Class A—

“community asset” means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012<sup>(3)</sup>;

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011<sup>(4)</sup>;

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

- (a) which is a community asset; or
- (b) in relation to which the local planning authority has notified the developer of a nomination under paragraph A.2(3); and

“specified period” means—

- (a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph A.2(3), the period from the date of that notification to the date on which the building is entered onto—
  - (i) a list of assets of community value; or
  - (ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;
- (b) in relation to a building which is a community asset—
  - (i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or
  - (ii) where the building was removed from that list—
    - (aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or
    - (bb) under section 92(4)(a) of the Localism Act 2011 following the local authority’s decision on a review that the land concerned should not have been included in the local authority’s list of assets of community value,

<sup>(3)</sup> S.I. 2012/2421.

<sup>(4)</sup> 2011 c.20.

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

*Class B – takeaways or pubs to restaurants and cafes*

### **Permitted development**

**B.** *Development consisting of a change of use of a building from a use falling within Class A4 (drinking establishments) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A3 (restaurants and cafes) of that Schedule.*

### **Development not permitted**

**B.1** Development is not permitted by Class B during the specified period if the building is a specified building.

### **Conditions**

**B.2** In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is permitted by Class B subject to the conditions set out in paragraphs A.2(2) to (4).

### **Interpretation of Class B**

**B.3** For the purposes of Class B, “community asset”, “specified building” and “specified period” have the meaning given in paragraph A.3.

*Class C – retail, betting office or pay day loan shop or casino to restaurant or cafe*

### **Permitted development**

**C.** *Development consisting of—*

(a) *a change of use of a building from a use—*

(i) *falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order,*

(ii) *as a betting office or pay day loan shop, or*

(iii) *as a casino,*

*to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order, and*

(b) *building or other operations for the provision of facilities for—*

(i) *ventilation and extraction (including the provision of an external flue), and*

(ii) *the storage of rubbish,*

*reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.*

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

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- (a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;
- (b) the development (together with any previous development under Class C) would result in more than 150 square metres of floor space in the building having changed use under Class C;
- (c) the land or the site on which the building is located is or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area; or
  - (iii) a military explosives storage area;
- (d) the site is, or contains, a scheduled monument; or
- (e) the land or building is a listed building or is within the curtilage of a listed building.

### Conditions

**C.2.—(1)** Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) noise impacts of the development,
- (b) odour impacts of the development,
- (c) impacts of storage and handling of waste in relation to the development,
- (d) impacts of the hours of opening of the development,
- (e) transport and highways impacts of the development,
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use—
  - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
  - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (g) the siting, design or external appearance of the facilities to be provided under Class C(b),

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class C(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (f) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class C is permitted subject to the condition that development under Class C(a), and under Class C(b), if any, must begin within a period of 3 years starting with the prior approval date.



*Class D – shops to financial and professional*

**Permitted development**

**D. Development consisting of a change of use of a building within its curtilage from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional services) of that Schedule.**

*Class E – financial and professional or betting office or pay day loan shop to shops*

**Permitted development**

**E. Development consisting of a change of use of a building with a display window at ground floor level from—**

- (a) *a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
- (b) *a use as a betting office or a pay day loan shop,*

**to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order.**

*Class F – betting offices or pay day loan shops to financial and professional*

**Permitted development**

**F. Development consisting of a change of use of a building from a use as a betting office or a pay day loan shop to a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order.**

*Class G – retail or betting office or pay day loan shop to mixed use*

**Permitted development**

**G. Development consisting of a change of use of a building—**

- (a) *from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats;*
- (b) *from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;*
- (c) *from a use—*
  - (i) *for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
  - (ii) *as a betting office or a pay day loan shop,*

**to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;**

- (d) *where that building has a display window at ground floor level, from a use—*
  - (i) *for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
  - (ii) *as a betting office or a pay day loan shop,*

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*to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats;*

- (e) *from a use as a betting office or a pay day loan shop to a mixed use as a betting office or a pay day loan shop and as up to 2 flats.*

## Conditions

**G.1** Development permitted by Class G is subject to the following conditions—

- (a) some or all of the parts of the building used as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
  - (i) by a single person or by people living together as a family, or
  - (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

## Interpretation of Class G

**G.2** For the purposes of Class G, “care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

### *Class H – mixed use to retail*

## Permitted development

**H.** *Development consisting of a change of use of a building—*

- (a) *from a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats, to a use for any purpose within Class A1 (shops) of that Schedule;*
- (b) *from a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats, to a use for any purpose within Class A2 (financial and professional services) of that Schedule;*
- (c) *from a mixed use—*
  - (i) *for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as up to 2 flats,*
  - (ii) *as a betting office or pay day loan shop and as up to 2 flats,**to a use for any purpose within Class A2 (financial and professional services) of that Schedule;*
- (d) *where that building has a display window at ground floor level, from a mixed use for any purpose—*
  - (i) *within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as up to 2 flats, or*
  - (ii) *as a betting office or pay day loan shop and as up to 2 flats,*

*to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order;*

- (e) *from a mixed use as a betting office or pay day loan shop and as up to 2 flats to a use as a betting office or pay day loan shop.*

#### **Development not permitted**

**H.1** Development is not permitted by Class H unless each part of the building used as a flat was, immediately prior to being so used, used for any purpose within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order or, as the case may be, used as a betting office or pay day loan shop.

*Class I – industrial and general business conversions*

#### **Permitted development**

**I. Development consisting of a change of use of a building—**

- (a) *from any use falling within Class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule;*
- (b) *from any use falling within Class B1 (business) or B2 (general industrial) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.*

#### **Development not permitted**

**I.1** Development is not permitted by Class I, where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in the building.

*Class J – retail or betting office or pay day loan shop to assembly and leisure*

#### **Permitted development**

**J. Development consisting of a change of use of a building from a use—**

- (a) *falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
- (b) *as a betting office or pay day loan shop,*

*to a use falling within Class D2 (assembly and leisure) of that Schedule.*

#### **Development not permitted**

**J.1** Development is not permitted by Class J if—

- (a) the building was not used solely for a use falling within Class J(a) or (b)—
- (i) on 5th December 2013, or
- (ii) in the case of a building which was in use before that date but was not in use on that date, on the date it was last in use, or
- (iii) in the case of a building which is brought into use after 5th December 2013, for a period of at least 5 years before the date development under Class J begins;

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- (b) the cumulative floor space of the existing building changing use under Class J exceeds 200 square metres;
- (c) the development (together with any previous development under Class J) would result in more than 200 square metres of floor space in the building having changed use under Class J;
- (d) the building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area; or
  - (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

### **Conditions**

**J.2.**—(1) Class J is permitted subject the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) noise impacts of the development,
- (b) impacts of the hours of opening of the development,
- (c) transport and highways impacts of the development, and
- (d) whether it is undesirable for the building to change to a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order because of the impact of the change of use—
  - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
  - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class J must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class J, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class J must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class J.

### *Class K – casinos to assembly and leisure*

### **Permitted Development**

**K.** *Development consisting of a change of use of a building from a use as a casino to a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.*

*Class L – small HMOs to dwellinghouses and vice versa*

**Permitted development**

**L. Development consisting of a change of use of a building—**

- (a) *from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*
- (b) *from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

**Development not permitted**

**L.1** Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

*Class M – retail or betting office or pay day loan shop to dwellinghouses*

**Permitted development**

**M. Development consisting of—**

- (a) *a change of use of a building from—*
  - (i) *a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;*
  - (ii) *a use as a betting office or pay day loan shop, or*
  - (iii) *a mixed use combining use as a dwellinghouse with—*
    - (aa) *a use as a betting office or pay day loan shop, or*
    - (bb) *a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise),**to a use falling within Class C3 (dwellinghouses) of that Schedule, and*
- (b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

**Development not permitted**

**M.1** Development is not permitted by Class M if—

- (a) the building was not used for one of the uses referred to in Class M(a)—
  - (i) on 20th March 2013, or
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;

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- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
- (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
- (g) the building is—
  - (i) on article 2(3) land;
  - (ii) in a site of special scientific interest;
  - (iii) in a safety hazard area;
  - (iv) in a military explosives storage area;
  - (v) a listed building; or
  - (vi) a scheduled monument.

### Conditions

**M.2.**—(1) Where the development proposed is development under Class M(a) together with development under Class M(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks in relation to the building,
- (c) flooding risks in relation to the building,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—
  - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
  - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (e) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class M(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (d) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

- (a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and

- (b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

*Class N – specified sui generis uses to dwellinghouses*

### **Permitted development**

**N.** Development consisting of—

- (a) *a change of use of a building and any land within its curtilage from a use as—*
  - (i) *an amusement arcade or centre, or*
  - (ii) *a casino,**to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and*
- (b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

### **Development not permitted**

**N.1** Development is not permitted by Class N if—

- (a) the building was not used solely for one of the uses specified in Class N(a)—
  - (i) on 19th March 2014, or
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) the cumulative floor space of the existing building changing use under Class N exceeds 150 square metres;
- (c) the development (together with any previous development under Class N) would result in more than 150 square metres of floor space in the building having changed use under Class N;
- (d) the development under Class N(b) would consist of building operations other than—
  - (i) the installation or replacement of—
    - (aa) windows, doors, roofs, or exterior walls, or
    - (bb) water, drainage, electricity, gas or other services,to the extent reasonably necessary for the building to function as a dwellinghouse; and
  - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph (d)(i);
- (e) the building is within—
  - (i) an area of outstanding natural beauty;
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981<sup>(5)</sup>;

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(5) 1981 c. 69. Section 41 was amended by sections 20 and 24 of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49), Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (c. 4), Schedule 10 to the Environment Act 1995 (c. 25) and Schedules 11 and 12 to the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments not relevant to this Order.

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- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;
- (f) the site is, or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area;
  - (iii) a military explosives storage area;
- (g) the building is a listed building or is within the curtilage of a listed building; or
- (h) the site is, or contains, a scheduled monument.

### Conditions

**N.2.**—(1) Where the development proposed is development under Class N(a) together with development under Class N(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) contamination risks in relation to the building,
- (c) flooding risks in relation to the building, and
- (d) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class N(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (c) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class N is permitted subject to the condition that development under Class N(a), and under Class N(b), if any, must be completed within a period of 3 years starting with the prior approval date.

### *Class O – offices to dwellinghouses*

#### Permitted development

**O.** *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.*

#### Development not permitted

**O.1** Development is not permitted by Class O if—

- (a) the building is on article 2(5) land;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
  - (i) on 29th May 2013, or



- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;
- (d) the site is, or forms part of, a safety hazard area;
- (e) the site is, or forms part of, a military explosives storage area;
- (f) the building is a listed building or is within the curtilage of a listed building; or
- (g) the site is, or contains, a scheduled monument.

### **Conditions**

**O.2** Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

*Class P – storage or distribution centre to dwellinghouses*

### **Permitted development**

**P.** *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.*

### **Development not permitted**

**P.1** Development is not permitted by Class P if—

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) the building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;
- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins—
  - (i) an agricultural tenancy over the site has been terminated, and
  - (ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;
- (g) the building is within—

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- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981<sup>(6)</sup>;
- (iii) the Broads; or
- (iv) a National Park;
- (v) a World Heritage Site;
- (h) the site is, or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area;
  - (iii) a military explosives storage area;
- (i) the building is a listed building or is within the curtilage of a listed building; or
- (j) the site is, or contains, a scheduled monument.

### Conditions

**P.2** Development is permitted by Class P subject to the condition that before beginning the development, the developer must—

- (a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);
- (b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
  - (i) impacts of air quality on the intended occupiers of the development;
  - (ii) transport and highways impacts of the development,
  - (iii) contamination risks in relation to the building,
  - (iv) flooding risks in relation to the building,
  - (v) noise impacts of the development, and
  - (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

### Interpretation of Class P

**P.3** For the purposes of Class P—

“curtilage” (except in paragraph P.1(i)) means—

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<sup>(6)</sup> 1981 c. 69. Section 41 was amended by sections 20 and 24 of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49), Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (c. 4), Schedule 10 to the Environment Act 1995 (c. 25) and Schedules 11 and 12 to the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments not relevant to this Order.

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building in storage or distribution centre use, closely associated with and serving the purposes of that building, or
- (b) an area of land immediately beside or around the building in storage or distribution centre use no larger than the land area occupied by the building,

whichever is the lesser;

“general industrial use” means a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

“industrial services” means services provided from premises with a light industrial use or general industrial use;

“light industrial use” means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

“storage or distribution centre use” means a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order; and

“storage or distribution services” means services provided from premises with a storage or distribution centre use.

#### *Class Q – agricultural buildings to dwellinghouses*

### **Permitted development**

#### ***Q. Development consisting of—***

- (a) ***a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and***
- (b) ***building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.***

### **Development not permitted**

#### **Q.1** Development is not permitted by Class Q if—

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
  - (i) on 20th March 2013, or
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
  - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (e) less than 1 year before the date development begins—
  - (i) an agricultural tenancy over the site has been terminated, and

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- (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
  - (i) since 20th March 2013; or
  - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (i) the development under Class Q(b) would consist of building operations other than—
  - (i) the installation or replacement of—
    - (aa) windows, doors, roofs, or exterior walls, or
    - (bb) water, drainage, electricity, gas or other services,
 to the extent reasonably necessary for the building to function as a dwellinghouse; and
  - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);
- (j) the site is on article 2(3) land;
- (k) the site is, or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area;
  - (iii) a military explosives storage area;
- (l) the site is, or contains, a scheduled monument; or
- (m) the building is a listed building.

### Conditions

**Q.2.—**(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- (f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

### *Class R – agricultural buildings to a flexible commercial use*

#### **Permitted development**

**R.** *Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.*

#### **Development not permitted**

**R.1** Development is not permitted by Class R if—

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit—
  - (i) on 3rd July 2012;
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
  - (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area; or
- (e) the building is a listed building or a scheduled monument.

#### **Conditions**

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

- (a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;
- (c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications—
  - (i) “curtilage” has the meaning given in paragraph X (interpretation) of this Part;
  - (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class R.

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**R.3.**—(1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—

- (a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—
  - (i) the date the site will begin to be used for any of the flexible uses;
  - (ii) the nature of the use or uses; and
  - (iii) a plan indicating the site and which buildings have changed use;
- (b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
  - (i) transport and highways impacts of the development;
  - (ii) noise impacts of the development;
  - (iii) contamination risks on the site; and
  - (iv) flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class R must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.

### **Interpretation of Class R**

**R.4** For the purposes of Class R, “flexible use” means use of any building or land for a use falling within the list of uses set out in Class R and change of use (in accordance with Class R) between any use in that list.

*Class S – agricultural buildings to state-funded school or registered nursery*

### **Permitted development**

**S.** *Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to use as a state-funded school or a registered nursery.*

### **Development not permitted**

**S.1** Development is not permitted by Class S if—

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit—
  - (i) on 20th March 2013, or

- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
  - (iii) in the case of a building which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class S begins;
- (b) the cumulative area of—
  - (i) floor space within the existing building or buildings, and
  - (ii) land within the curtilage of that building or those buildings,changing use under Class S within an established agricultural unit exceeds 500 square metres;
- (c) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (d) less than 1 year before the date development begins—
  - (i) an agricultural tenancy over the site has been terminated, and
  - (ii) the termination was for the purpose of carrying out development under Class S, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (e) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
  - (i) since 20th March 2013; or
  - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- (f) the site is, or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area; or
  - (iii) a military explosives storage area;
- (g) the site is, or contains, a scheduled monument; or
- (h) the building is a listed building.

## **Conditions**

**S.2.—**(1) Development is permitted by Class S subject to the following conditions—

- (a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery; and
- (b) before changing the use of the site under Class S the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
  - (i) transport and highways impacts of the development,
  - (ii) noise impacts of the development,
  - (iii) contamination risks on the site,
  - (iv) flooding risks on the site, and

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(v) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to use as a state-funded school or, as the case may be, a registered nursery,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class S must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class S, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class S must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class S.

*Class T – business, hotels etc to state-funded schools or registered nursery*

### **Permitted development**

**T. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, to use as a state-funded school or a registered nursery.**

### **Development not permitted**

**T.1** Development is not permitted by Class T if—

- (a) permission to use the site for a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order has been granted only by virtue of Class J of this Part;
- (b) the site is, or forms part of, a military explosives storage area;
- (c) the site is, or forms part of, a safety hazard area; or
- (d) the building is a listed building or a scheduled monument.

### **Conditions**

**T.2.—(1)** Development is permitted by Class T subject to the following conditions—

- (a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery;
- (b) before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—
  - (i) transport and highways impacts of the development;
  - (ii) noise impacts of the development; and
  - (iii) contamination risks on the site,



and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class T must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class T, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class T must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class T.

*Class U – return to previous use from converted state-funded school or registered nursery*

### **Permitted development**

***U. Development consisting of a change of use of land from a use permitted by Class T to the previous lawful use of the land.***

*Class V – changes of use permitted under a permission granted on an application*

### **Permitted development**

***V. Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.***

### **Development not permitted**

**V.1** Development is not permitted by Class V if—

- (a) the application for planning permission referred to was made before 5th December 1988;
- (b) it would be carried out more than 10 years after the grant of planning permission;
- (c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or
- (d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

### **Procedure for applications for prior approval under Part 3**

**W.**—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer’s contact address;

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- (d) the developer's email address if the developer is content to receive communications electronically; and
  - (e) where sub-paragraph (6) requires the Environment Agency<sup>(7)</sup> to be consulted, a site-specific flood risk assessment,
- together with any fee required to be paid.
- (3) The local planning authority may refuse an application where, in the opinion of the authority—
    - (a) the proposed development does not comply with, or
    - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
  - (4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
  - (5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—
    - (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
    - (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
    - (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.
  - (6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency<sup>(8)</sup> where the development is—
    - (a) in an area within Flood Zone 2 or Flood Zone 3; or
    - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
  - (7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).
  - (8) The local planning authority must give notice of the proposed development—
    - (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
      - (i) describes the proposed development;
      - (ii) provides the address of the proposed development;
      - (iii) specifies the date by which representations are to be received by the local planning authority; or

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(7) A body established under section 1 of the Environment Act 1995 (c. 25).

(8) A body established under section 1 of the Environment Act 1995 (c. 25).

- (b) by serving a notice in that form on any adjoining owner or occupier.
- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
- (a) assessments of impacts or risks;
  - (b) statements setting out how impacts or risks are to be mitigated; or
  - (c) details of proposed building or other operations.
- (10) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
  - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012<sup>(9)</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
  - (c) in relation to the contamination risks on the site—
    - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990<sup>(10)</sup>, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012<sup>(11)</sup>, and
    - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.
- (11) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
  - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (12) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),
- unless the local planning authority and the developer agree otherwise in writing.
- (13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

### **Interpretation of Part 3**

**X.** For the purposes of Part 3—

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- (9) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- (10) 1990 c. 25. Part 2A was inserted by section 57 of the Environment Act 1995 (c. 25). See in particular section 78(2), was amended by section 86 of the Water Act 2003 (c. 37).
- (11) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/223705/pb13735cont-land-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf)

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“agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses;

“agricultural tenancy” means a tenancy under—

- (a) the Agricultural Holdings Act 1986(12); or
- (b) the Agricultural Tenancies Act 1995(13);

“curtilage” means, for the purposes of Class Q, R or S only—

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

whichever is the lesser;

“established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—

- (a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or
- (b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

“pay day loan shop” has the meaning given in the Use Classes Order(14);

“prior approval date” means the date on which—

- (a) prior approval is given; or
- (b) a determination that such approval is not required is given or the period for giving such a determination set out in paragraph W(11)(c) of this Part has expired without the applicant being notified whether prior approval is required, given or refused;

“registered nursery” means non-domestic premises in respect of which a person is registered under Part 3 of the Childcare Act 2006(15) to provide early years provision;

“site” means the building and any land within its curtilage;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(16);
- (b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(17); and

“sui generis use” means a use for which no class is specified in the Schedule to the Use Classes Order.

(12) 1986 c. 5; relevant amendments are made by Schedule 12 to the Education Reform Act 1988 (c. 40), the Schedule to the Agricultural Tenancies Act 1995 (c. 8), Schedule 8 to the Civil Partnership Act 2004 (c. 33) and S.I. 2006/2805 and 2013/1036.

(13) 1995 c. 8; relevant amendments are made by Schedule 8 to the Civil Partnership Act 2004, and S.I. 2006/2805 and 2013/1036.

(14) S.I. 1987/764. The definition of “pay day loan shop” was inserted by S.I. 2015/597.

(15) 2006 c. 21. See in particular: section 34 regarding the need for a person to be registered in respect of premises; section 96 in relation to the definition of “early years provision”; and section 98 in relation to the definition of “premises” (to which there are amendments not relevant to this Order). There are other amendments to the 2006 Act but none are relevant to this Order.

(16) 2010 c. 32; see in particular sections 1 to 1C. Relevant amendments are made by Part 6 of the Education Act 2011 (c. 21).

(17) 1998 c. 31. The definition was amended by S.I. 2010/1158; there are other amendments to section 142(1) but none are relevant to this Order.

## PART 4

### Temporary buildings and uses

#### *Class A – temporary buildings and structures*

##### **Permitted development**

**A. *The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.***

##### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the operations referred to are mining operations, or
- (b) planning permission is required for those operations but is not granted or deemed to be granted.

##### **Conditions**

**A.2** Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

- (a) any building, structure, works, plant or machinery permitted by Class A is removed, and
- (b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.

#### *Class B – temporary use of land*

##### **Permitted development**

**B. *The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—***

- (a) *the holding of a market;*
- (b) *motor car and motorcycle racing including trials of speed, and practising for these activities,*

***and the provision on the land of any moveable structure for the purposes of the permitted use.***

##### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) it would consist of development of a kind described in Class E of this Part (temporary use of land for film-making);
- (b) the land in question is a building or is within the curtilage of a building;
- (c) the use of the land is for a caravan site;
- (d) the land is, or is within, a site of special scientific interest and the use of the land is for—

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- (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
  - (ii) clay pigeon shooting; or
  - (iii) any war game, or
- (e) the use of the land is for the display of an advertisement.

*Class C – use as a state-funded school for a single academic year*

### **Permitted development**

***C. The use of a building and any land within its curtilage as a state-funded school for a single academic year.***

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the existing use of the site is not a class of use specified in the Schedule to the Use Classes Order;
- (b) the site is, or forms part of, a military explosives storage area;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the building is a listed building or a scheduled monument; or
- (e) the building is a specified building and the development is undertaken during the specified period, regardless of whether any approval or notification has been given in accordance with paragraphs C.2(a) or (b).

### **Conditions**

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

- (a) the site must be approved for use as a state-funded school by the relevant Minister;
- (b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;
- (c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- (d) the permission is granted for one academic year and it may be used only once in relation to a particular site;
- (e) the site reverts to its previous lawful use at the end of the academic year; and
- (f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—
  - (i) before beginning the development the developer must send a written request to the local planning authority as to whether the building has been nominated, which must include;
    - (aa) the address of the building;
    - (bb) the developer’s contact address; and

- (cc) the developer’s email address if the developer is content to receive communications electronically;
- (ii) if the building is nominated, whether at the date of request under paragraph (f)(i) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;
- (iii) the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (f)(i) and must be completed within a period of 1 year of the date of that request.

### **Interpretation of Class C**

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

“academic year” means any period beginning with 1st August and ending with the next 31st July;

“community asset” means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012<sup>(18)</sup>;

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011<sup>(19)</sup>;

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

“relevant Minister” means the Secretary of State with policy responsibility for schools;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010;
- (b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

- (a) which is a community asset; or
- (b) in relation to which the local planning authority has notified the developer of a nomination under paragraph C.2(f)(ii); and

“specified period” means—

- (a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph C.2(f)(ii), the period from the date of that notification to the date on which the building is entered onto—
  - (i) a list of assets of community value; or
  - (ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;
- (b) in relation to a building which is a community asset—
  - (i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or

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<sup>(18)</sup> S.I. 2012/2421.

<sup>(19)</sup> 2011 c.20.

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- (ii) where the building was removed from that list—
  - (aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or
  - (bb) under section 92(4)(a) of the Localism Act 2011 following the local authority's decision on a review that the land concerned should not have been included in the local authority's list of assets of community value,
 the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

*Class D – shops, financial, cafes, takeaways, pubs etc to temporary flexible use*

### **Permitted development**

#### **D. Development consisting of a change of use of a building and any land within its curtilage—**

- (a) *from—*
  - (i) *a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), Class B1 (business), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, or*
  - (ii) *a use as a betting office or pay day loan shop,*
- (b) *to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule,*

*for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.*

### **Development not permitted**

#### **D.1** Development is not permitted by Class D if—

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area;
- (e) the building is a listed building or a scheduled monument; or
- (f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a).

### **Conditions**

#### **D.2** Development is permitted by Class D subject to the following conditions—

- (a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the 2 year period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;



- (c) the site may at any time during the 2 year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use;
- (f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, the conditions set out in paragraphs C.2(f)(i) to (iii) apply.

### **Interpretation of Class D**

**D.3** For the purposes of Class D—

“community asset”, “specified building” and “specified period” have the meaning given in paragraph C.3; and

“flexible use” means use of any building or land for a use falling within the list of uses set out in Class D(b) and change of use (in accordance with Class D) between any use in that list.

*Class E – temporary use of buildings or land for film-making purposes*

### **Permitted development**

**E. Development consisting of—**

- (a) *the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and*
- (b) *the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.*

### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) the land in question, or the land on which the building in question is situated, is more than 1.5 hectares;
- (b) the use of the land is for overnight accommodation;
- (c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land;
- (d) the land or building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area; or
  - (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

## **Conditions**

**E.2.—**(1) Class E development is permitted subject to the condition that—

- (a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and
- (b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.

(2) Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) the schedule of dates which make up the filming period in question and the hours of operation,
- (b) transport and highways impacts of the development,
- (c) noise impacts of the development,
- (d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
- (e) flooding risks on the site,

and the provisions of paragraph E.3 apply in relation to that application.

## **Procedure for applications for prior approval under Class E**

**E.3.—**(1) The following provisions apply where under Class E a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address;
- (d) the developer's email address if the developer is content to receive communications electronically; and
- (e) a site-specific flood risk assessment,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class E as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) On receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
  - (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
  - (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.
- (6) On receipt of the application, the local planning authority must consult the Environment Agency<sup>(20)</sup> where the development is—
- (a) in an area within Flood Zone 2 or Flood Zone 3; or
  - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
- (7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).
- (8) The local planning authority must give notice of the proposed development—
- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
    - (i) describes the proposed development;
    - (ii) provides the address of the proposed development;
    - (iii) specifies the date by which representations are to be received by the local planning authority; or
  - (b) by serving a notice in that form on any adjoining owner or occupier.
- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
- (a) assessments of impacts or risks; or
  - (b) statements setting out how impacts or risks are to be mitigated.
- (10) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); and
  - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012<sup>(21)</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (11) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

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<sup>(20)</sup> A body established under section 1 of the Environment Act 1995 (c. 25).

<sup>(21)</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

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- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (12) The development must be carried out—
  - (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),unless the local planning authority and the developer agree otherwise in writing.
- (13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

### **Interpretation of Class E**

**E.4** For the purposes of Class E—

“broadcast or transmission” means—

- (a) broadcast of the film or television programme by—
  - (i) a television programme provider, or
  - (ii) any other person for commercial gain,
- (b) transmission of it, including over the internet, by—
  - (i) a television programme provider, or
  - (ii) any other person for commercial gain, or
- (c) theatrical release of it at the commercial cinema;

“commercial film-making” means filming for broadcast or transmission but does not include the filming of persons paying to visit the site to participate in any leisure activity on that site including—

- (a) motor car and motorcycle racing including trials of speed or other motor sports, and practising for those activities, or
- (b) clay pigeon shooting or any war game;

“filming period” means a period, not exceeding 9 months in total, during which the land or building is used for commercial film-making (including activities preparatory to, or otherwise related to, that film-making) under Class E; and

“television programme provider” has the meaning given in section 99(2) of the Broadcasting Act 1996<sup>(22)</sup>.

### **Interpretation of Part 4**

**F.** For the purposes of Part 4—

“site” means the building and any land within its curtilage; and

“war game” means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

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(22) 1996 c. 55. There are amendments to section 99 which are not relevant to this Order.

## PART 5

### Caravan sites and recreational campsites

#### *Class A – use of land as caravan site*

##### **Permitted development**

**A. *The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.***

##### **Condition**

**A.1** Development is permitted by Class A subject to the condition that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as reasonably practicable.

##### **Interpretation of Class A**

**A.2** The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required), but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

#### *Class B – development on caravan site required by conditions*

##### **Permitted development**

**B. *Development required by the conditions of a site licence for the time being in force under the 1960 Act.***

#### *Class C – use of land by members of certain recreational organisations*

##### **Permitted development**

**C. *The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.***

##### **Development not permitted**

**C.1** Development is not permitted by Class C if the land is a building or is within the curtilage of a dwellinghouse.

##### **Interpretation of Class C**

**C.2** For the purposes of Class C, “recreational organisation” means an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936 (power of local authority to control use of moveable dwellings)(23).

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(23) 1936 c. 49; relevant amendments are made by section 30(1) of, and Schedule 4 to, the Caravan Sites and Control of Development Act 1960 (c. 62) and Schedule 6 to the Building Act 1984 (c. 55).

## PART 6

### Agricultural and forestry

*Class A – agricultural development on units of 5 hectares or more*

#### **Permitted development**

**A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—**

- (a) ***works for the erection, extension or alteration of a building; or***
- (b) ***any excavation or engineering operations,***

***which are reasonably necessary for the purposes of agriculture within that unit.***

#### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;
- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;
- (e) the ground area which would be covered by—
  - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or
  - (ii) any building erected or extended or altered by virtue of Class A, would exceed 465 square metres, calculated as described in paragraph D.1(2)(a) of this Part;
- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;
- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or
- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

- (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
- (ii) is or would be within 400 metres of the curtilage of a protected building.

## Conditions

**A.2.**—(1) Development is permitted by Class A subject to the following conditions—

- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;
  - (b) where the development involves—
    - (i) the extraction of any mineral from the land (including removal from any disused railway embankment); or
    - (ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;
  - (c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.
- (2) Subject to sub-paragraph (3), development consisting of—
- (a) the erection, extension or alteration of a building;
  - (b) the formation or alteration of a private way;
  - (c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or
  - (d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

- (i) the developer must, 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 as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;
- (ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;
- (iii) the development must not begin 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 give the applicant notice within 28 days following the date of receiving the applicant's 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 under sub-paragraph (2)(ii) 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;

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- (iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—
    - (aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and
    - (bb) 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 (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;
  - (v) the development must, 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
  - (vi) the development must be carried out—
    - (aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;
    - (bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).
- (3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.
- (4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).
- (5) Where development consists of works for the erection, significant extension or significant alteration of a building and—
- (a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and
  - (b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.



*Class B – agricultural development on units of less than 5 hectares*

**Permitted development**

**B. The carrying out on agricultural land comprised in an agricultural unit, of not less than 0.4 but less than 5 hectares in area, of development consisting of—**

- (a) *the extension or alteration of an agricultural building;*
- (b) *the installation of additional or replacement plant or machinery;*
- (c) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;*
- (d) *the provision, rearrangement or replacement of a private way;*
- (e) *the provision of a hard surface;*
- (f) *the deposit of waste; or*
- (g) *the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,*

*where the development is reasonably necessary for the purposes of agriculture within the unit.*

**Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectares in area;
- (b) the external appearance of the premises would be materially affected;
- (c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- (d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building;
- (e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept; or
- (f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.

**B.2** Development is not permitted by Class B(a) if—

- (a) the height of any building would be increased;
- (b) the cubic content of the original building would be increased by more than 10%;
- (c) any part of any new building would be more than 30 metres from the original building;
- (d) it would consist of the extension or provision of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 (changes of use) of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class B(a) begins;

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- (e) the development would involve the extension, alteration or provision of a dwelling;
- (f) any part of the development would be carried out within 5 metres of any boundary of the unit; or
- (g) the ground area of any building extended by virtue of Class B(a) would exceed 465 square metres.

**B.3** Development is not permitted by Class B(b) if—

- (a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (b) the height of any additional plant or machinery not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or
- (d) the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.1(2)(a) of this Part.

**B.4** Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.1(2)(a) of this Part.

**Conditions**

**B.5.**—(1) Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, is not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine.

(2) Development consisting of the extension or alteration of a building situated on article 2(4) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—

- (a) the condition that the developer must, 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 as to the siting, design and external appearance of the building as extended or altered or the siting and means of construction of the private way; and
- (b) the conditions set out in paragraphs A.2(2)(ii) to (vi) of this Part.

(3) Development is permitted by Class B(f) subject to the following conditions—

- (a) that waste materials are not brought on to the land from elsewhere for deposit unless they are for use in works described in Class B(a), (d) or (e) and are incorporated forthwith into the building or works in question; and
- (b) that the height of the surface of the land will not be materially increased by the deposit.

(4) Development is permitted by Class B(a) subject to the following conditions—

- (a) where development consists of works for the significant extension or significant alteration of a building and—
  - (i) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and
  - (ii) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than

agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the extension, in the case of development consisting of an extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer;

- (b) where an appeal has been made, under the Act, in relation to an application for development described in paragraph (a)(ii), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(5) Where development is permitted by Class B(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.

#### *Class C – mineral working for agricultural purposes*

#### **Permitted development**

***C. The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.***

#### **Development not permitted**

**C.1** Development is not permitted by Class C if any excavation would be made within 25 metres of a metalled part of a trunk road or classified road.

#### **Condition**

**C.2** Development is permitted by Class C subject to the condition that no mineral extracted during the course of the operation is moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

#### **Interpretation of Classes A to C**

**D.1.**—(1) For the purposes of Classes A, B and C—

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden;

“agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture, including—

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
- (b) any dwelling on that land occupied by a farmworker;

“building” does not include anything resulting from engineering operations;

“fish farming” means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

“livestock” includes fish or shellfish which are farmed;

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“protected building” means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

- (a) a building within the agricultural unit; or
- (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

“significant extension” or “significant alteration” means any extension or alteration, as the case may be, of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building;

“site notice” means a notice containing—

- (a) the name of the applicant,
  - (b) the address or location of the proposed development,
  - (c) a description of the proposed development and of the materials to be used,
  - (d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,
  - (e) the name and address of the local planning authority,
- and which is signed and dated by or on behalf of the applicant;

“slurry” means animal faeces and urine (whether or not water has been added for handling); and

“tank” includes any cage and any other structure for use in fish farming.

(2) For the purposes of Classes A, B and C—

- (a) an area “calculated as described in paragraph D.1(2)(a)” comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;
- (b) a reference to 400 metres in paragraphs A.1(i) and (k), A.2(1)(a), B.1(d) and B.5(1) of this Part is a reference to distance measured along the ground.

(3) The circumstances referred to in paragraphs A.2(1)(a) and B.5(1) of this Part are—

- (a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and
- (b) (i) that the need to accommodate the livestock arises from quarantine requirements, or an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or
- (ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure because they are sick or giving birth or newly born, or to provide shelter against extreme weather conditions.

(4) For the purposes of paragraph A.2(2)(c) of this Part, the relevant area is the area of the proposed excavation or the area on which it is proposed to deposit waste together with the aggregate of the areas of all other excavations within the unit which have not been filled and of all other parts of the unit on or under which waste has been deposited and has not been removed.

(5) For the purposes of Class B—

- (a) the erection of any additional building within the curtilage of another building is to be treated as the extension of that building and the additional building is not to be treated as an original building;
  - (b) where 2 or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement in connection with the extension or alteration of either of them.
- (6) In Class C, “the purposes of agriculture” includes fertilising land used for the purposes of agriculture and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.
- (7) In Class A(a), “reasonably necessary for the purposes of agriculture” includes, in relation to the erection, extension or alteration of a building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.
- (8) In Class B(a), “reasonably necessary for the purposes of agriculture” includes, in relation to the extension or alteration of an agricultural building, for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

#### *Class E – forestry developments*

#### **Permitted development**

***E. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—***

- (a) ***works for the erection, extension or alteration of a building;***
- (b) ***the formation, alteration or maintenance of private ways;***
- (c) ***operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;***
- (d) ***other operations (not including engineering or mining operations).***

#### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) it would consist of or include the provision or alteration of a dwelling;
- (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;
- (c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or
- (d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

#### **Conditions**

**E.2.—(1)** Subject to sub-paragraph (3), development consisting of the erection of a building or the extension or alteration of a building or the formation or alteration of a private way is permitted by Class E subject to the following conditions—

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- (a) the developer must, 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 as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;
  - (b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;
  - (c) the development must not begin before the occurrence of one of the following—
    - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
    - (ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval;
    - (iii) the expiry of 28 days following the date on which the application under sub-paragraph (1)(b) 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;
  - (d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—
    - (i) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;
    - (ii) 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 paragraph (d)(i) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;
  - (e) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
    - (i) where prior approval is required, in accordance with the details approved;
    - (ii) where prior approval is not required, in accordance with the details submitted with the application; and
  - (f) the development must be carried out—
    - (i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,
    - (ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).
- (2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.
- (3) Sub-paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

### **Interpretation of Class E**

**E.3.—(1)** For the purposes of Class E—

“significant extension” or “significant alteration” means any extension or alteration, as the case may be, of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building; and

“site notice” means a notice containing—

- (a) the name of the applicant,
  - (b) the address or location of the proposed development,
  - (c) a description of the proposed development and of the materials to be used,
  - (d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,
  - (e) the name and address of the local planning authority,
- and which is signed and dated by or on behalf of the applicant.

(2) For the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

## PART 7

### Non-domestic extensions, alterations etc

*Class A – extensions etc of shops or financial or professional premises*

#### **Permitted development**

**A. *The extension or alteration of a shop or financial or professional services establishment.***

#### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the gross floor space of the original building would be exceeded by more than—
  - (i) in respect of an original building or a development on—
    - (aa) article 2(3) land, or
    - (bb) a site of special scientific interest, 25% or 50 square metres (whichever is the lesser);
  - (ii) in any other case, 50% or 100 square metres (whichever is the lesser);
- (b) the height of the building as extended would exceed 4 metres;
- (c) any part of the development (other than an alteration)—
  - (i) is on land which—
    - (aa) adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of the Schedule to the Use Classes Order,
    - (bb) is article 2(3) land, or
    - (cc) is a site of special scientific interest, and

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- (ii) is within 2 metres of any boundary of the curtilage of the premises;
- (d) the development would be within the curtilage of a listed building;
- (e) any alteration would be on article 2(3) land;
- (f) the development would consist of or include the construction or provision of a verandah, balcony or raised platform;
- (g) any part of the development would extend beyond an existing shop front;
- (h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or
- (i) the development would involve the installation or replacement of a security grill or shutter on a shop front.

### **Conditions**

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

- (a) any alteration is at ground floor level only;
- (b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and
- (c) any extension or alteration is only to be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.

### **Interpretation of Class A**

**A.3** For the purposes of Class A—

“raised platform” means a platform with a height greater than 0.3 metres; and

“shop or financial or professional services establishment” means a building, or part of a building, used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended,

and where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

### *Class B – construction of shop trolley stores*

### **Permitted development**

**B.** *The erection or construction of a trolley store within the curtilage of a shop.*

### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure erected would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be—
  - (i) within 20 metres of any boundary of the curtilage of; or
  - (ii) above or below,

any building used for any purpose within Part C (residential premises or institutions) of the Schedule to the Use Classes Order or as a hostel;



- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be within the curtilage of a listed building; or
- (e) the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres.

### **Condition**

**B.2** Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

### **Interpretation of Class B**

**B.3** For the purposes of Class B—

“shop” means a building used for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

### *Class C – click and collect facilities*

### **Permitted development**

**C.** *Development consisting of the erection or construction of a collection facility within the curtilage of a shop.*

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the development would result in more than 1 collection facility within the curtilage of a shop;
- (b) the gross floor space of the building or structure would exceed 20 square metres;
- (c) the height of the building or structure would exceed 4 metres;
- (d) any part of the development would be within 2 metres of any boundary of the curtilage;
- (e) any part of the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres; or
- (f) any part of the development would be—
  - (i) on article 2(3) land;
  - (ii) in a site of special scientific interest; or
  - (iii) within the curtilage of a listed building or a scheduled monument.

### **Conditions**

**C.2.**—(1) Development is permitted by Class C subject to the condition that the developer must, 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 as to the siting, design and external appearance of the development and the following sub-paragraphs apply in relation to that application.

(2) The application must be accompanied by—

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- (a) a written description of the proposed development, which must include details of any building operations proposed;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address; and
- (d) the developer's email address if the developer is content to receive communications electronically,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class C as being applicable to the development in question.

(4) Sub-paragraphs (5) and (7) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
  - (i) describes the proposed development;
  - (ii) provides the address of the proposed development;
  - (iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(6) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(7) The local planning authority must, when determining an application—

- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5);
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012<sup>(24)</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(8) The development must not begin before the occurrence of one of the following—

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(9) The development must be carried out—

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(24) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (8)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(10) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

### **Interpretation of Class C**

**C.3** For the purposes of Class C—

“collection facility” means a building or structure designed to be used by visiting members of the public for the collection of any goods and for the storage of goods awaiting such collection; and

“shop” means a building used for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order.

### *Class D – modification of shop loading bays*

### **Permitted development**

**D. Development consisting of modification of a loading bay of a shop.**

### **Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) the size of the original loading bay, when measured in any dimension, would be increased by more than 20%; or
- (b) any part of the development would be—
  - (i) on article 2(3) land;
  - (ii) in a site of special scientific interest; or
  - (iii) within the curtilage of a listed building or a scheduled monument.

### **Conditions**

**D.2** Development is permitted by Class D subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop.

### **Interpretation of Class D**

**D.3** For the purposes of Class D—

“goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988<sup>(25)</sup>;

“loading bay” means any facility, including vehicle ramps, for the loading or unloading of goods vehicles; and

“shop” means a building used for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order.

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(25) 1988 c.52.

*Class E – hard surfaces for shops, catering or financial or professional premises*

**Permitted development**

**E. Development consisting of—**

- (a) *the provision of a hard surface within the curtilage of a shop or catering, financial or professional services establishment; or*
- (b) *the replacement in whole or in part of such a surface.*

**Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or
- (b) the development would be within the curtilage of a listed building.

**Conditions**

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

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking.

**Interpretation of Class E**

**E.3** For the purposes of Class E, “shop or catering, financial or professional services establishment” means a building used for any purpose within Classes A1 to A5 of the Schedule to the Use Classes Order.

*Class F – extensions etc of office buildings*

**Permitted development**

**F. The extension or alteration of an office building.**

**Development not permitted**

**F.1** Development is not permitted by Class F if—

- (a) the gross floor space of the original building would be exceeded by more than—
  - (i) in respect of an original building or a development on—
    - (aa) article 2(3) land, or
    - (bb) on a site of special scientific interest, 25% or 50 square metres (whichever is the lesser);
  - (ii) in any other case, 50% or 100 square metres (whichever is the lesser);

- (b) the height of the building as extended would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
  - (ii) in all other cases, the height of the building being extended;
- (c) any part of the development, other than an alteration, would be within 5 metres of any boundary of the curtilage of the premises;
- (d) any alteration would be on article 2(3) land; or
- (e) the development would be within the curtilage of a listed building.

### **Conditions**

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

- (a) any office building as extended or altered is only used as part of, or for a purpose incidental to, the use of that office building;
- (b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and
- (c) any alteration is at ground floor level only.

### **Interpretation of Class F**

**F.3** For the purposes of Class F, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

### *Class G – hard surfaces for office buildings*

### **Permitted development**

**G.** *Development consisting of—*

- (a) *the provision of a hard surface within the curtilage of an office building to be used for the purpose of the office concerned; or*
- (b) *the replacement in whole or in part of such a surface.*

### **Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage (excluding hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or
- (b) the development would be within the curtilage of a listed building.

### **Conditions**

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

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the office building.

*Class H – extensions etc of industrial and warehouse*

**Permitted development**

**H. The erection, extension or alteration of an industrial building or a warehouse.**

**Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) the gross floor space of any new building erected would exceed—
  - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
  - (ii) in any other case, would exceed 200 square metres;
- (b) the gross floor space of the original building would be exceeded by more than—
  - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
  - (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
  - (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);
- (c) the height of any part of the new building erected would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
  - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (d) the height of the building as extended or altered would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
  - (ii) in all other cases, the height of the building being extended or altered;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

**Conditions**

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

- (a) the development is within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered is only to be used—
  - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
  - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
- (c) no building as erected, extended or altered is used to provide employee facilities—
  - (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

- (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999<sup>(26)</sup>;
- (d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
- (e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

### **Interpretation of Class H**

**H.3** For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

**H.4** For the purposes of Class H—

“dangerous substance” has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999;

“employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees; and

“original building” does not include any building erected at any time under Class H.

### *Class I – developments relating to an industrial process*

#### **Permitted development**

**I. Development carried out on industrial land for the purposes of an industrial process consisting of—**

- (a) *the installation of additional or replacement plant or machinery;*
- (b) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or*
- (c) *>the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.*

#### **Development not permitted**

**I.1** Development described in Class I(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

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(26) S.I. 1999/743. There are amendments not relevant to this Order.

## **Interpretation of Class I**

**I.2** For the purposes of Class I, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

### *Class J – hard surfaces for industrial and warehouse premises*

## **Permitted development**

### **J. Development consisting of—**

- (a) *the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or*
- (b) *the replacement in whole or in part of such a surface.*

## **Development not permitted**

**J.1** Development is not permitted by Class J if the development would be within the curtilage of a listed building.

## **Conditions**

### **J.2** Development is permitted by Class J subject to the following conditions—

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

### *Class K – waste deposits from an industrial process*

## **Permitted development**

**K. The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.**

## **Development not permitted**

### **K.1** Development is not permitted by Class K if—

- (a) the waste material is or includes material resulting from the winning and working of minerals; or
- (b) the use on 1st July 1948 was for the deposit of material resulting from the winning and working of minerals.



*Class L – development at waste management facilities*

**Permitted development**

**L.** *Development carried out on land used for the purposes of a waste management facility consisting of—*

- (a) *the extension or alteration of a building; and*
- (b) *the installation of replacement plant or machinery.*

**Development not permitted**

**L.1** Development described in Class L is not permitted if—

- (a) the gross floor space occupied by the replacement plant or machinery would exceed by more than 15% the gross floor space of the plant or machinery it replaced;
- (b) the development under Class L (together with any previous development under Class L) would result in the area occupied by buildings, plant or machinery on the site exceeding the original area occupied by buildings, plant or machinery by more than—
  - (i) 50%; or
  - (ii) 100 square metres,whichever is the lesser;
- (c) the height of any building as extended or altered would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or
  - (ii) in all other cases, the height of the building being extended or altered or 15 metres, whichever is the lower;
- (d) the height of any replacement plant or machinery would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or
  - (ii) in all other cases, 15 metres;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the site;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles;
- (g) the development would be—
  - (i) on article 2(3) land; or
  - (ii) in a site of special scientific interest;
- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

**Conditions**

**L.2** Development is permitted by Class L subject to the condition that any building as extended or altered is only used as part of, or for a purpose incidental to, the use of the site as a waste management facility.

**Interpretation**

**L.3** For the purposes of Class L—

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

“waste management facility” means premises and associated land used for the purposes of any waste operation for which an environmental permit is required under Part 2 of the Environmental Permitting (England and Wales) Regulations 2010(27) or which is an exempt facility under those Regulations; and

“waste operation” has the meaning given in the Environmental Permitting (England and Wales) Regulations 2010.

*Class M – extensions etc for schools, colleges, universities and hospitals*

## **Permitted development**

**M. The erection, extension or alteration of a school, college, university or hospital building.**

### **Development not permitted**

**M.1** Development is not permitted by Class M—

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
  - (i) 25% of the gross floor space of the original school, college, university or hospital buildings; or
  - (ii) 100 square metres,
 whichever is the lesser;
- (b) if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;
- (c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;
- (d) if the height of any new building erected would exceed 5 metres;
- (e) if the height of the building as extended or altered would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
  - (ii) in all other cases, the height of the building being extended or altered;
- (f) if the development would be within the curtilage of a listed building; or
- (g) unless—
  - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
  - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

### **Conditions**

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

- (a) the development is within the curtilage of an existing school, college, university or hospital;
- (b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;

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(27) *S.I. 2010/675*. “Environmental permits” has the meaning given in regulation 13(1) and “exempt facility” has the meaning given in regulation 5.

- (c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and
- (d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

### **Interpretation of Class M**

**M.3** For the purposes of Class M—

“original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class M; and

“school” does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use),

where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.

*Class N – hard surfaces for schools, colleges, universities or hospitals*

### **Permitted development**

**N. Development consisting of—**

- (a) *the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or*
- (b) *the replacement in whole or in part of such a surface.*

### **Development not permitted**

**N.1** Development is not permitted by Class N if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres;
- (b) as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used; or
- (c) the development would be within the curtilage of a listed building.

### **Conditions**

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

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.

**Interpretation of Part 7****O.** For the purposes of Part 7—

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine;

“office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order (offices);

“registered nursery” and “state-funded school” have the meanings given in paragraph X of Part 3 of this Schedule (changes of use);

“school”—

- (a) includes a building permitted by Class C of Part 4 (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4;
- (b) except in Class M (extensions etc for schools), includes premises which have changed use under Class S of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery; and
- (c) includes premises which have changed use under Class T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.

**PART 8****Transport related development***Class A – railway or light railway undertakings***Permitted development**

**A.** *Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.*

**Development not permitted****A.1** Development is not permitted by Class A if it consists of or includes—

- (a) the construction of a railway;
- (b) the construction or erection of a hotel, railway station or bridge; or
- (c) the construction or erection otherwise than wholly within a railway station of—
  - (i) an office, residential or educational building, or a building used for an industrial process, or
  - (ii) a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

## Interpretation of Class A

**A.2** For the purposes of Class A, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

*Class B – dock, pier, harbour, water transport, canal or inland navigation undertakings*

## Permitted development

**B. Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—**

- (a) *for the purposes of shipping, or*
- (b) *in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.*

## Development not permitted

**B.1** Development is not permitted by Class B if it consists of or includes—

- (a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic; or
- (b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—
  - (i) an educational building, or
  - (ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

## Interpretation of Class B

**B.2** For the purposes of Class B—

- (a) references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected, and
- (b) the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc., of harbours)(28), and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945(29).

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(28) 1964 c. 40; relevant amendments are made by Schedules 6 and 12 to the Transport Act 1981 (c. 56), section 46 of the Criminal Justice Act 1982 (c. 48), Schedule 3 to the Transport and Works Act 1992 (c. 42), Schedule 2 to the Planning Act 2008 (c. 29), Schedule 21 to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.

(29) 1945 c. 18. An order is subject to special parliamentary procedure under the Act if it is one which the Secretary of State makes which authorises the compulsory purchase of land (see paragraph 22 of Schedule 3 to the Harbours Act 1964).

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

*Class C – works to inland waterways*

**Permitted development**

**C. *The improvement, maintenance or repair of an inland waterway (other than a commercial waterway or cruising waterway) to which section 104 of the Transport Act 1968 (classification of waterways)(30) applies, and the repair or maintenance of a culvert, weir, lock, aqueduct, sluice, reservoir, let-off valve or other work used in connection with the control and operation of such a waterway.***

*Class D – dredging by transport undertakings*

**Permitted development**

**D. *The use of any land by statutory undertakers in respect of dock, pier, harbour, water transport, canal or inland navigation undertakings for the spreading of any dredged material.***

*Class E – development for the aid of shipping*

**Permitted development**

**E. *Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1995(31) and any other statutory provision made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to the 1995 Act.***

**Development not permitted**

**E.1** Development is not permitted by Class E if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

*Class F – development at an airport*

**Permitted development**

**F. *The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.***

**Development not permitted**

**F.1** Development is not permitted by Class F if it would consist of or include—

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;

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(30) 1968 c. 73, was amended by S.I. 2012/1659; there are other amendments not relevant to this Order.

(31) 1995 c. 21. See in particular section 193 as to the meaning of a general and a local lighthouse authority and Part 8 of the Act in general; relevant amendments are made by sections 19 and 20 of, and Schedule 6 to, the Merchant Shipping and Maritime Security Act 1997 (c. 28), sections 8 and 9 of the Marine Navigation Act 2013 (c. 23), Schedule 8 to the Public Service Pensions Act 2013 (c. 25) and S.I. 2003/2867.

- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 5th December 1988 or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an operational building; or
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

### **Condition**

**F.2** Development is permitted by Class F subject to the condition that the relevant airport operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph F.4.

### **Interpretation of Class F**

**F.3** For the purposes of paragraph F.1, floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

**F.4** Development falls within this paragraph if—

- (a) it is urgently required for the efficient running of the airport, and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

*Class G – air traffic services development at an airport*

### **Permitted development**

**G.** *The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with the provision of air traffic services.*

*Class H – air traffic services development near an airport*

### **Permitted development**

**H.** *The carrying out on operational land outside but within 8 kilometres of the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with the provision of air traffic services.*

### **Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

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

*Class I – development by an air traffic services licence holder within an airport*

**Permitted development**

**I. The carrying out by an air traffic services licence holder or its agents within the perimeter of an airport of development in connection with the provision of air traffic services.**

*Class J – development by an air traffic services licence holder on operational land*

**Permitted development**

**J. The carrying out on operational land of an air traffic services licence holder by that licence holder or its agents of development in connection with the provision of air traffic services.**

**Development not permitted**

**J.1** Development is not permitted by Class J if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

*Class K – development by an air traffic services licence holder in an emergency*

**Permitted development**

**K. The use of land by or on behalf of an air traffic services licence holder in an emergency to station moveable apparatus replacing unserviceable apparatus.**

**Condition**

**K.1** Development is permitted by Class K subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

*Class L – development by an air traffic services licence holder involving moveable structures*

**Permitted development**

**L. The use of land by or on behalf of an air traffic services licence holder to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.**

**Condition**

**L.1** Development is permitted by Class L subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, and any structure is removed, and the land is restored to its condition before the development took place,



or to any other condition as may be agreed in writing between the local planning authority and the developer.

*Class M – development by the Civil Aviation Authority for surveys etc.*

### **Permitted development**

**M. *The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.***

### **Condition**

**M.1** Development is permitted by Class M subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

*Class N – use of airport buildings managed by relevant airport operators*

### **Permitted development**

**N. *The use of buildings within the perimeter of an airport managed by a relevant airport operator for purposes connected with air transport services or other flying activities at that airport.***

### **Interpretation of Part 8**

**O.** For the purposes of Part 8—

“air traffic services” has the same meaning as in section 98 of the Transport Act 2000 (air traffic services)(**32**);

“air traffic services licence holder” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000(**33**);

“air transport services” has the same meaning as in section 82 of the Airports Act 1986(**34**);

“operational building” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport;

“relevant airport” means an airport to which Part 5 of the Airports Act 1986 (status of certain airport operators as statutory undertakers etc.)(**35**) applies;

“relevant airport operator” means a relevant airport operator within the meaning of section 57A of the Airports Act 1986 (scope of Part 5); and

“transport legislation” means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards’ powers)(**36**) or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive)(**37**).

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(32) 2000 c. 38.

(33) See in particular sections 5 to 7 and 40 (section 5 was amended by S.I. 2009/1941 and 2011/205).

(34) 1986 c. 31.

(35) 1986 c. 31. See section 57A(2); section 57A was substituted for section 57 by Schedule 8 to the Civil Aviation Act 2012 (c. 19). There are other amendments to Part 5 but none are relevant to this Order.

(36) 1962 c. 46.

(37) 1968 c. 73, relevant amendments are made by Schedule 3 to the Transport Act 1985 (c. 67), Schedule 4 to the Local Transport Act 2008 (c. 26) and S.I. 2014/866.

## PART 9

### Development relating to roads

#### *Class A – development by highways authorities*

#### **Permitted development**

##### **A. The carrying out by a highway authority—**

- (a) *on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve development by virtue of section 55(2)(b)(38) of the Act; or*
- (b) *on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.*

#### *Class B – development by the Secretary of State or a strategic highways company under the Highways Act 1980*

#### **Permitted development**

**B. The carrying out by the Secretary of State or a strategic highways company of works in exercise of the functions of the Secretary of State or the company under the Highways Act 1980(39), or works in connection with, or incidental to, the exercise of those functions.**

#### **Interpretation of Class B**

**B.1** For the purposes of Class B, “strategic highways company” means a company for the time being appointed under Part 1 of the Infrastructure Act 2015(40).

#### *Class C – tramway or road transport undertakings*

#### **Permitted development**

**C. Development required for the purposes of the carrying on of any tramway or road transport undertaking consisting of—**

- (a) *the installation of posts, overhead wires, underground cables, feeder pillars or transformer boxes in, on, over or adjacent to a highway for the purpose of supplying current to public service vehicles;*
- (b) *the installation of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;*
- (c) *the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles;*
- (d) *the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles;*

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(38) Section 55(2)(b) was amended by Schedule 9 to the Planning and Compulsory Purchase Act 2004 (c. 5) and S.I. 1999/293.

(39) 1980 c. 66. Relevant amendments are made by section 1 of, and Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(40) 2015 c. 7.

- (e) *any other development on operational land of the undertaking.*

### **Development not permitted**

**C.1** Development is not permitted by Class C if it would consist of—

- (a) in the case of any Class C(a) development, the installation of a structure exceeding 17 cubic metres in capacity;
- (b) in the case of any Class C(e) development—
  - (i) the erection of a building or the reconstruction or alteration of a building where its design or external appearance would be materially affected;
  - (ii) the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any plant or machinery it replaces, whichever is the greater; or
  - (iii) development, not wholly within a bus or tramway station, in pursuance of powers contained in transport legislation.

### **Interpretation of Class C**

**C.2** For the purposes of Class C, “transport legislation” means section 14(1)(d) of the Transport Act 1962 (supplemental provisions relating to the Boards’ powers)(**41**) or section 10(1)(x) of the Transport Act 1968 (general powers of Passenger Transport Executive)(**42**).

### *Class D – toll road facilities*

### **Permitted development**

**D. Development consisting of—**

- (a) *the setting up and the maintenance, improvement or other alteration of facilities for the collection of tolls;*
- (b) *the provision of a hard surface to be used for the parking of vehicles in connection with the use of such facilities.*

### **Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) it is not located within 100 metres (measured along the ground) of the boundary of a toll road;
- (b) the height of any building or structure would exceed—
  - (i) 7.5 metres excluding any rooftop structure; or
  - (ii) 10 metres including any rooftop structure; or
- (c) the aggregate area of the floor space at or above ground level of any building or group of buildings within a toll collection area, excluding the floor space of any toll collection booth, would exceed 1,500 square metres.

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(41) 1962 c. 46.

(42) 1968 c. 73, relevant amendments are made by Schedule 3 to the Transport Act 1985 (c. 67), Schedule 4 to the Local Transport Act 2008 (c. 26) and S.I. 2014/866.

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

## Conditions

**D.2** In the case of any article 2(3) land, development is permitted by Class D subject to the following conditions—

- (a) the developer must, 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 as to the siting, design and external appearance of the facilities for the collection of tolls;
- (b) the application must be accompanied by a written description, together with plans and elevations, of the proposed development and any fee required to be paid;
- (c) the development must not begin before the occurrence of one of the following—
  - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or
  - (iii) 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;
- (d) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
  - (i) where prior approval is required, in accordance with the details approved;
  - (ii) where prior approval is not required, or where paragraph (c)(iii) applies, in accordance with the details submitted with the application; and
- (e) the development must be carried out—
  - (i) where approval has been given by the local planning authority, within a period of 5 years from the date on which the approval was given;
  - (ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).

## Interpretation of Class D

**D.3** For the purposes of Class D—

“facilities for the collection of tolls” means such buildings, structures, or other facilities as are reasonably required for the purpose of or in connection with the collection of tolls in pursuance of a toll order;

“ground level” means the level of the surface of the ground immediately adjacent to the building or group of buildings 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;

“rooftop structure” means any apparatus or structure which is reasonably required to be located on and attached to the roof, being an apparatus or structure which is—

- (a) so located for the provision of heating, ventilation, air conditioning, water, gas or electricity;
- (b) lift machinery; or
- (c) reasonably required for safety purposes;

“toll” means a toll which may be charged pursuant to a toll order;

“toll collection area” means an area of land where tolls are collected in pursuance of a toll order, and includes any facilities for the collection of tolls;

“toll collection booth” means any building or structure designed or adapted for the purpose of collecting tolls in pursuance of a toll order;

“toll order” has the same meaning as in Part 1 of the New Roads and Street Works Act 1991 (new roads in England and Wales)(43); and

“toll road” means a road which is the subject of a toll order.

*Class E – repairs to unadopted streets and private ways*

**Permitted development**

**E.** *The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.*

**Interpretation of Class E**

**E.1** For the purposes of Class E, “unadopted street” means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980(44).

## PART 10

### Repairs to services

*Class A*

**Permitted development**

**A.** *The carrying out of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose.*

## PART 11

### Heritage and demolition

*Class A – development by Historic England*

**Permitted development**

**A.** *Development by or on behalf of Historic England(45), consisting of—*

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(43) 1991 c. 22; which was amended by Schedule 2 to the Planning Act 2008 (c. 29).

(44) 1980 c. 66. See in particular sections 36, 328 and 329; section 36 was amended by Schedule 4 to the Local Government Act 1985 (c. 51), Schedule 2 to the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), section 64 of, and Schedule 4 to, the Transport and Works Act 1992 (c. 42), Schedule 6 to the Countryside and Rights of Way Act 2000 (c. 37) and S.I. 2006/1177. There are amendments to section 329 but none are relevant to this Order.

(45) Historic England is the name used by the Historic Buildings and Monuments Commission for England (a body established under section 32 of the National Heritage Act 1983 (c. 47)).

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

- (a) *the maintenance, repair or restoration of any building or monument;*
- (b) *the erection of screens, fences or covers designed or intended to protect or safeguard any building or monument; or*
- (c) *the carrying out of works to stabilise ground conditions by any cliff, watercourse or the coastline;*

*where such works are required for the purposes of securing the preservation of any building or monument.*

#### **Development not permitted**

**A.1** Development is not permitted by Class A(a) if the works involve the extension of the building or monument.

#### **Condition**

**A.2** Except for development also falling within Class A(a), Class A(b) development is permitted subject to the condition that any structure erected in accordance with that permission is removed at the expiry of a period of 6 months (or such longer period as the local planning authority may agree in writing) from the date on which work to erect the structure was begun.

#### **Interpretation of Class A**

**A.3** For the purposes of Class A, “building or monument” means any building or monument in the guardianship of Historic England or owned, controlled or managed by it.

#### *Class B – demolition of buildings*

#### **Permitted development**

**B. Any building operation consisting of the demolition of a building.**

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (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;
- (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)**(46)**; or
- (c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

#### **Conditions**

**B.2** Development is permitted by Class B 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

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**(46)** Section 196D was inserted by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;

- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition—
  - (i) the developer must, before beginning the development—
    - (aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site; and
    - (bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;
  - (ii) an application described in paragraph (b)(i)(aa) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;
  - (iii) a request described in paragraph (b)(i)(bb) must include the address of the building, the developer's contact address and, if the developer is content to receive communications electronically, the developer's email address;
  - (iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must 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;
  - (v) 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 paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;
  - (vi) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under paragraph (b)(i)(bb) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;
  - (vii) subject to paragraph (b)(x), the development must not begin 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 give the applicant notice within 28 days following the date of receiving the 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;
  - (viii) the development must, 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;

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

- (bb) where prior approval is not required, in accordance with the details submitted with the application;
- (ix) subject to paragraph (b)(x), the development must be carried out—
  - (aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;
  - (bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and
- (x) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of paragraph (b)(vii) and (ix), the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request.

### Interpretation of Class B

#### B.3 For the purposes of Class B—

“community asset” means a building which has been entered onto a list of assets of community value including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012<sup>(47)</sup>;

“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 3 of the Act (control over development),
- (b) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument consent)<sup>(48)</sup>,
- (c) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent)<sup>(49)</sup>,
- (d) required or permitted to be carried out by or under any other enactment, or
- (e) required to be carried out by virtue of a relevant obligation;

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011<sup>(50)</sup>;

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

“prior approval event” means, in relation to a particular development—

- (a) the giving of prior approval by the local planning authority in relation to the matters in paragraph B.2(b)(i)(aa);
- (b) a determination that such approval is not required to be given, or
- (c) the expiry of the period for giving such a determination without the applicant being notified whether prior approval is required, given or refused;

<sup>(47)</sup> S.I. 2012/2421.

<sup>(48)</sup> 1979 c. 46; see in particular sections 2 to 4, relevant amendments to which are made by section 33 of, and Schedule 4 to, the National Heritage Act 1983 (c. 47) and Schedule 2 to the Planning Act 2008 (c. 29).

<sup>(49)</sup> 1990 c. 9; see in particular sections 7, 8 and 18, relevant amendments to which are made by section 51 of the Planning and Compulsory Purchase Act 2004 (c. 5) and Schedule 2 to the Planning Act 2008, S.I. 2001/24. Those sections are modified in relation to buildings in conservation areas by S.I. 1990/1519.

<sup>(50)</sup> 2011 c.20.



“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 (planning obligations)<sup>(51)</sup>, or under section 299A of the Act (Crown planning obligations)<sup>(52)</sup>;
- (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;

“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 to 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 as 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;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

- (a) which is a community asset; or
- (b) in relation to which the local planning authority has notified the developer of a nomination under paragraph B.2(b)(vi); and

“specified period” means—

- (a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph B.2(b)(vi), the period from the date of that notification to the date on which the building is entered onto—
  - (i) a list of assets of community value; or
  - (ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;
- (b) in relation to a building which is a community asset—
  - (i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or
  - (ii) where the building was removed from that list—
    - (aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or
    - (bb) under section 92(4)(a) of the Localism Act 2011 following the local authority’s decision on a review that the land concerned should not have been included in the local authority’s list of assets of community value,

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<sup>(51)</sup> 1991 c. 34. Section 106 of the Act was amended by section 33 of the Greater London Authority Act 2007 (c. 24), section 174 of the Planning Act 2008 and Schedule 2 to the Growth and Infrastructure Act 2013 (c. 27).

<sup>(52)</sup> Section 299A was repealed by Schedule 9 to the Planning and Compulsory Purchase Act 2004 (c.5).

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

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

*Class C – demolition of gates, fences, walls etc*

### **Permitted development**

***C. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.***

### **Development not permitted**

**C.1** Development is not permitted by Class C if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)**(53)**.

## **PART 12**

### **Development by local authorities**

*Class A*

### **Permitted development**

**A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—**

- (a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;**
- (b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.**

### **Interpretation of Class A**

**A.1** For the purposes of Class A, “urban development corporation” has the same meaning as in Part 16 of the Local Government, Planning and Land Act 1980 (urban development)**(54)**.

**A.2** The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

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**(53)** Section 196D was inserted by paragraph 6 of Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

**(54)** 1980 c. 65; see sections 135 and 171. Section 135 was amended by section 179 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28). There are no amendments to section 171 relevant to this Order.

## Class B

### Permitted development

**B.** *The deposit by a local authority of waste material on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.*

### Development not permitted

**B.1** Development is not permitted by Class B if the waste material is or includes material resulting from the winning and working of minerals.

### Interpretation of Part 12

**C.** For the purposes of Part 12, “local authority” includes a parish council.

## PART 13

### Water and sewerage

#### *Class A – Water or hydraulic power undertakings*

### Permitted development

**A.** *Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—*

- (a) *development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge;*
- (b) *development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse;*
- (c) *the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;*
- (d) *the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;*
- (e) *the installation in a water distribution system of a booster station, valve house, meter or switch-gear house;*
- (f) *any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(55);*
- (g) *any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.*

### Development not permitted

**A.1** Development is not permitted by Class A if—

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(55) [1991 c. 57](#); which was amended by Schedule 22 to the Environment Act 1995 and [S.I. 2013/755](#).

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

- (a) in the case of any Class A(a) development, it would include the construction of a reservoir;
- (b) in the case of any Class A(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;
- (c) in the case of any Class A(g) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
  - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or
- (d) in the case of any Class A(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

### Condition

**A.2** Development is permitted by Class A(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

*Class B – development by or on behalf of sewerage undertakers*

### Permitted development

#### **B. Development by or on behalf of a sewerage undertaker consisting of—**

- (a) *development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus;*
- (b) *the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;*
- (c) *the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;*
- (d) *the installation in a sewerage system of a pumping station, valve house, control panel house or switch-gear house;*
- (e) *any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(56);*
- (f) *any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.*

### Development not permitted

**B.1** Development is not permitted by Class B if—

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(56) 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

- (a) in the case of any Class B(d) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic;
- (b) in the case of Class B(f) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded, by more than 25%; or
  - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or
- (c) in the case of Class B(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

### **Condition**

**B.2** Development is permitted by Class B(b) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

### **Interpretation of Class B**

**B.3** For the purposes of Class B—

“associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe; and

“sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated with it) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or its residue.

### *Class C – development by drainage bodies*

### **Permitted development**

**C. Development by a drainage body in, on or under any watercourse or land drainage works required in connection with the improvement, maintenance or repair of that watercourse or those works.**

### **Interpretation of Class C**

**C.1** For the purposes of Class C, “drainage body” has the same meaning as in section 72(1) of the Land Drainage Act 1991 (interpretation)<sup>(57)</sup> other than the Environment Agency.

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(57) 1991 c. 59; which was amended by Schedule 22 to the Environment Act 1995 (c. 25). There is another amendment not relevant to this Order.

*Class D – development by the Environment Agency(58)***Permitted development****D. Development by the Environment Agency for the purposes of its functions, consisting of—**

- (a) *development not above ground level required in connection with conserving, redistributing or augmenting water resources;*
- (b) *development in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works;*
- (c) *the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation;*
- (d) *the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel;*
- (e) *any works authorised by or required in connection with an order made under section 73 of the Water Resources Act 1991 (power to make ordinary and emergency drought orders)(59);*
- (f) *any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.*

**Development not permitted****D.1** Development is not permitted by Class D if—

- (a) in the case of any Class D(a) development, it would include the construction of a reservoir;
- (b) in the case of any Class D(f) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected,
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
  - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres; or
- (c) in the case of any Class D(f) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

**Condition**

**D.2** Development is permitted by Class D(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations cease and all such buildings, plant, machinery and apparatus are removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

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(58) A body established under section 1 of the Environment Act 1995 (c. 25).

(59) 1991 c. 57; which was amended by Schedule 22 to the Environment Act 1995 and S.I. 2013/755.

## PART 14

### Renewable energy

*Class A – installation or alteration etc of solar equipment on domestic premises*

#### **Permitted development**

**A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—**

- (a) *a dwellinghouse or a block of flats; or*
- (b) *a building situated within the curtilage of a dwellinghouse or a block of flats.*

#### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope;
- (b) it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);
- (c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;
- (d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.

#### **Conditions**

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

- (a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

*Class B - installation or alteration etc of stand-alone solar equipment on domestic premises*

#### **Permitted development**

**B. The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a dwellinghouse or a block of flats.**

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

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

- (a) in the case of the installation of stand-alone solar, the development would result in the presence within the curtilage of more than 1 stand-alone solar;
- (b) any part of the stand-alone solar—
  - (i) would exceed 4 metres in height;
  - (ii) would, in the case of land within a conservation area or which is a World Heritage Site, be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway;
  - (iii) would be installed within 5 metres of the boundary of the curtilage;
  - (iv) would be installed within the curtilage of a listed building; or
  - (v) would be installed on a site designated as a scheduled monument; or
- (c) the surface area of the solar panels forming part of the stand-alone solar would exceed 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

#### **Conditions**

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

- (a) stand-alone solar is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (b) stand-alone solar is removed as soon as reasonably practicable when no longer needed.

*Class C – installation or alteration etc of ground source heat pumps on domestic premises*

#### **Permitted development**

**C. *The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse or a block of flats.***

*Class D – installation or alteration etc of water source heat pumps on domestic premises*

#### **Permitted development**

**D. *The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a dwellinghouse or a block of flats.***

*Class E – installation or alteration etc of flue for biomass heating system on domestic premises*

#### **Permitted development**

**E. *The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse or a block of flats.***

#### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) the height of the flue would exceed the highest part of the roof by 1 metre or more; or
- (b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.



*Class F – installation or alteration etc of flue for combined heat and power on domestic premises*

#### **Permitted development**

**F. *The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse or a block of flats.***

#### **Development not permitted**

**F.1** Development is not permitted by Class F if—

- (a) the height of the flue would exceed the highest part of the roof by 1 metre or more; or
- (b) in the case of land within a conservation area or which is a World Heritage Site, the flue would be installed on a wall or roof slope which fronts a highway.

*Class G – installation or alteration etc of air source heat pumps on domestic premises*

#### **Permitted Development**

**G. *The installation, alteration or replacement of a microgeneration air source heat pump—***

- (a) *on a dwellinghouse or a block of flats; or*
- (b) *within the curtilage of a dwellinghouse or a block of flats, including on a building within that curtilage.*

#### **Development not permitted**

**G.1** Development is not permitted by Class G unless the air source heat pump complies with the MCS Planning Standards or equivalent standards.

**G.2** Development is not permitted by Class G if—

- (a) in the case of the installation of an air source heat pump, the development would result in the presence of more than 1 air source heat pump on the same building or within the curtilage of the building or block of flats;
- (b) in the case of the installation of an air source heat pump, a wind turbine is installed on the same building or within the curtilage of the dwellinghouse or block of flats;
- (c) in the case of the installation of an air source heat pump, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or block of flats;
- (d) the volume of the air source heat pump's outdoor compressor unit (including any housing) would exceed 0.6 cubic metres;
- (e) any part of the air source heat pump would be installed within 1 metre of the boundary of the curtilage of the dwellinghouse or block of flats;
- (f) the air source heat pump would be installed on a pitched roof;
- (g) the air source heat pump would be installed on a flat roof where it would be within 1 metre of the external edge of that roof;
- (h) the air source heat pump would be installed on a site designated as a scheduled monument;
- (i) the air source heat pump would be installed on a building or on land within the curtilage of the dwellinghouse or the block of flats if the dwellinghouse or the block of flats is a listed building;
- (j) in the case of land within a conservation area or which is a World Heritage Site the air source heat pump—

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- (i) would be installed on a wall or a roof which fronts a highway; or
- (ii) would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or
- (k) in the case of land, other than land within a conservation area or which is a World Heritage Site, the air source heat pump would be installed on a wall of a dwellinghouse or block of flats if—
  - (i) that wall fronts a highway; and
  - (ii) the air source heat pump would be installed on any part of that wall which is above the level of the ground floor storey.

### Conditions

**G.3** Development is permitted by Class G subject to the following conditions—

- (a) the air source heat pump is used solely for heating purposes;
- (b) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (c) the air source heat pump is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (d) the air source heat pump is removed as soon as reasonably practicable when no longer needed.

*Class H – installation or alteration etc of wind turbine on domestic premises*

### Permitted Development

**H.** *The installation, alteration or replacement of a microgeneration wind turbine on—*

- (a) *a detached dwellinghouse; or*
- (b) *a detached building situated within the curtilage of a dwellinghouse or a block of flats.*

### Development not permitted

**H.1** Development is not permitted by Class H unless the wind turbine complies with the MCS Planning Standards or equivalent standards.

**H.2** Development is not permitted by Class H if—

- (a) in the case of the installation of a wind turbine the development would result in the presence of more than 1 wind turbine on the same building or within the curtilage;
- (b) in the case of the installation of a wind turbine, a stand-alone wind turbine is installed within the curtilage of the dwellinghouse or the block of flats;
- (c) in the case of the installation of a wind turbine, an air source heat pump is installed on the same building or within its curtilage;
- (d) the highest part of the wind turbine (including blades) would either—
  - (i) protrude more than 3 metres above the highest part of the roof (excluding the chimney); or
  - (ii) exceed more than 15 metres in height,whichever is the lesser;

- (e) the distance between ground level and the lowest part of any blade of the wind turbine would be less than 5 metres;
- (f) any part of the wind turbine (including blades) would be positioned so that it would be within 5 metres of any boundary of the curtilage of the dwellinghouse or the block of flats;
- (g) the swept area of any blade of the wind turbine would exceed 3.8 square metres;
- (h) the wind turbine would be installed on safeguarded land;
- (i) the wind turbine would be installed on a site designated as a scheduled monument;
- (j) the wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) in the case of land within a conservation area, the wind turbine would be installed on a wall or roof slope of—
  - (i) the detached dwellinghouse; or
  - (ii) a building within the curtilage of the dwellinghouse or block of flats, which fronts a highway; or
- (l) the wind turbine would be installed on article 2(3) land other than land within a conservation area.

## **Conditions**

**H.3** Development is permitted by Class H subject to the following conditions—

- (a) the blades of the wind turbine is made of non-reflective materials;
- (b) the wind turbine is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;
- (c) the wind turbine is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (d) the wind turbine is removed as soon as reasonably practicable when no longer needed.

*Class I – installation or alteration etc of stand-alone wind turbine on domestic premises*

## **Permitted Development**

**I. *The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse or a block of flats.***

### **Development not permitted**

**I.1** Development is not permitted by Class I unless the stand-alone wind turbine complies with the MCS Planning Standards or equivalent standards.

**I.2** Development is not permitted by Class I if—

- (a) in the case of the installation of a stand-alone wind turbine, the development would result in the presence of more than 1 stand-alone wind turbine within the curtilage of the dwellinghouse or block of flats;
- (b) in the case of the installation of a stand-alone wind turbine, a wind turbine is installed on the dwellinghouse or on a building within the curtilage of the dwellinghouse or the block of flats;

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

- (c) in the case of the installation of a stand-alone wind turbine, an air source heat pump is installed on the dwellinghouse or block of flats or within the curtilage of the dwellinghouse or block of flats;
- (d) the highest part of the stand-alone wind turbine would exceed 11.1 metres in height;
- (e) the distance between ground level and the lowest part of any blade of the stand-alone wind turbine would be less than 5 metres;
- (f) any part of the stand-alone wind turbine (including blades) would be located in a position which is less than a distance equivalent to the overall height (including blades) of the stand-alone wind turbine plus 10% of its height when measured from any point along the boundary of the curtilage;
- (g) the swept area of any blade of the stand-alone wind turbine exceeds 3.8 square metres;
- (h) the stand-alone wind turbine would be installed on safeguarded land;
- (i) the stand-alone wind turbine would be installed on a site designated as a scheduled monument;
- (j) the stand-alone wind turbine would be installed within the curtilage of a building which is a listed building;
- (k) in the case of land within a conservation area, the stand-alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage than the part of the dwellinghouse or block of flats which is nearest to that highway; or
- (l) the stand-alone wind turbine would be installed on article 2(3) land other than land within a conservation area.

## Conditions

**I.3** Development is permitted by Class I subject to the following conditions—

- (a) the blades of the stand-alone wind turbine is made of non-reflective materials;
- (b) the stand-alone wind turbine is, so far as practicable, sited so as to minimise its effect on the amenity of the area; and
- (c) the stand-alone wind turbine is removed as soon as reasonably practicable when no longer needed.

*Class J – installation or alteration etc of solar equipment on non-domestic premises*

## Permitted development

**J. The installation, alteration or replacement of—**

- (a) *microgeneration solar thermal equipment on a building;*
- (b) *microgeneration solar PV equipment on a building; or*
- (c) *other solar PV equipment on the roof of a building,*

*other than a dwellinghouse or a block of flats.*

## Development not permitted

**J.1** Development is not permitted by Class J if—

- (a) the solar PV equipment or solar thermal equipment would be installed on a pitched roof and would protrude more than 0.2 metres beyond the plane of the roof slope when measured from the perpendicular with the external surface of the roof slope;

- (b) the solar PV equipment or solar thermal equipment would be installed on a flat roof, where the highest part of the solar PV equipment would be higher than 1 metre above the highest part of the roof (excluding any chimney);
- (c) the solar PV equipment or solar thermal equipment would be installed within 1 metre of the external edge of that roof;
- (d) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a roof slope which fronts a highway;
- (e) the solar PV equipment or solar thermal equipment would be installed on a site designated as a scheduled monument; or
- (f) the solar PV equipment or solar thermal equipment would be installed on a listed building or on a building within the curtilage of a listed building.

**J.2** Development is not permitted by Class J(a) or (b) if—

- (a) the solar PV equipment or solar thermal equipment would be installed on a wall and would protrude more than 0.2 metres beyond the plane of the wall when measured from the perpendicular with the external surface of the wall;
- (b) the solar PV equipment or solar thermal equipment would be installed on a wall and within 1 metre of a junction of that wall with another wall or with the roof of the building; or
- (c) in the case of a building on article 2(3) land, the solar PV equipment or solar thermal equipment would be installed on a wall which fronts a highway.

**J.3** Development is not permitted by Class J(c) if the capacity of the solar PV equipment installed (together with any solar PV equipment installed under Class J(b)) to generate electricity exceeds 1 megawatt.

## Conditions

**J.4.—**(1) Class J development is permitted subject to the following conditions—

- (a) the solar PV equipment or solar thermal equipment must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and the amenity of the area; and
- (b) the solar PV equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

(2) Class J(c) development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land, and the following sub-paragraphs apply in relation to that application.

(3) The application must be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address; and
- (d) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(4) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or

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(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in Class J applicable to the development in question.

(5) Sub-paragraphs (6) and (8) do not apply where a local planning authority refuses an application under sub-paragraph (4) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(6) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(8) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (6); and

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012<sup>(60)</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(9) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (3) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(10) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (9)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (3),

unless the local planning authority and the developer agree otherwise in writing.

(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

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<sup>(60)</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

*Class K – installation or alteration etc of stand-alone solar equipment on non-domestic premises*

### **Permitted development**

**K. The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a building other than a dwellinghouse or a block of flats.**

### **Development not permitted**

**K.1** Development is not permitted by Class K if—

- (a) in the case of the installation of stand-alone solar, the development would result in the presence within the curtilage of more than 1 stand-alone solar;
- (b) any part of the stand-alone solar—
  - (i) would exceed 4 metres in height;
  - (ii) would, if installed on any article 2(3) land, be installed so that it is nearer to any highway which bounds the curtilage than the part of the building which is nearest to that highway;
  - (iii) would be installed within 5 metres of the boundary of the curtilage;
  - (iv) would be installed within the curtilage of a listed building; or
  - (v) would be installed on a site designated as a scheduled monument; or
- (c) the surface area of the solar panels forming part of the stand-alone solar would exceed 9 square metres or any dimension of its array (including any housing) would exceed 3 metres.

### **Conditions**

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

- (a) the stand-alone solar must, so far as practicable, be sited so as to minimise its effect on the amenity of the area; and
- (b) the stand-alone solar is removed as soon as reasonably practicable when no longer needed.

*Class L – installation or alteration etc of ground source heat pump on non-domestic premises*

### **Permitted development**

**L. The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.**

### **Conditions**

**L.1** Development is permitted by Class L subject to the following conditions—

- (a) the total area of excavation must not exceed 0.5 hectares;
- (b) the development must not result in the presence within the curtilage of more than 1 ground source heat pump; and
- (c) a pump is removed as soon as reasonably practicable when no longer needed and the land is, as far as reasonably practicable, restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

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

*Class M – installation or alteration etc of water source heat pump on non-domestic premises*

**Permitted development**

**M.** *The installation, alteration or replacement of a microgeneration water source heat pump within the curtilage of a building other than a dwellinghouse or a block of flats.*

**Conditions**

**M.1** Development is permitted by Class M subject to the condition that the total surface area covered by the water source heat pump (including any pipes) must not exceed 0.5 hectares.

*Class N – installation etc of flue for biomass heating system on non-domestic premises*

**Permitted development**

**N.** *The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a building other than—*

- (a) *a dwellinghouse or a block of flats; or*
- (b) *a building situated within the curtilage of a dwellinghouse or a block of flats.*

**Development not permitted**

**N.1** Development is not permitted by Class N if—

- (a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;
- (b) the height of the flue would exceed either—
  - (i) the highest part of the roof by 1 metre or more, or
  - (ii) the height of an existing flue which is being replaced,whichever is the highest;
- (c) the installation of the flue would result in the installation on the same building of more than 1 flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed on a listed building, within the curtilage of a listed building or on a site designated as a scheduled monument; or
- (e) in the case of a building on article 2(3) land, the flue would be installed on a wall or roof slope which fronts a highway.

*Class O – installation etc of flue for combined heat and power on non-domestic premises*

**Permitted development**

**O.** *The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a building other than—*

- (a) *a dwellinghouse or a block of flats; or*
- (b) *a building situated within the curtilage of a dwellinghouse or a block of flats.*

**Development not permitted**

**O.1** Development is not permitted by Class O if—



- (a) the capacity of the system that the flue would serve exceeds 45 kilowatts thermal;
- (b) the height of the flue would exceed either—
  - (i) the highest part of the roof by 1 metre or more, or
  - (ii) the height of an existing flue which is being replaced,whichever is the highest;
- (c) the installation of the flue would result in the installation on the same building of more than 1 flue forming part of either a biomass heating system or a combined heat and power system;
- (d) the flue would be installed on a listed building, within the curtilage of a listed building, or on a site designated as a scheduled monument; or
- (e) in the case of a building on article 2(3) land, the flue would be installed on a wall or roof slope which fronts a highway.

#### **Interpretation of Part 14**

**P.** For the purposes of Part 14—

“aerodrome”—

- (a) means any area of land or water designed, equipped, set apart, or commonly used for affording facilities for the landing and departure of aircraft; and
- (b) includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; but
- (c) does not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“air traffic services licence holder” means a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000(61);

“block of flats” means a building which consists wholly of flats;

“detached dwellinghouse” or “detached building” means a dwellinghouse or building, as the case may be, which does not share a party wall with a neighbouring building;

“MCS Planning Standards” means the standards specified in the Microgeneration Certification Scheme for air source heat pumps (being MCS 007(62)) and for small and micro wind turbines (being MCS 006(63));

“microgeneration” has the same meaning as in section 82(6) of the Energy Act 2004(64);

“safeguarded land” means land which—

- (a) is necessary to be safeguarded for aviation or defence purposes; and
- (b) has been notified as such, in writing, to the Secretary of State by an aerodrome operator, an air traffic services licence holder or the Secretary of State for Defence for the purposes of this Part;

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(61) 2000 c. 38. See in particular sections 5 to 7 and 40 (section 5 was amended by S.I. 2009/1941 and 2011/205).

(62) Version 2.4 dated 16th December 2013, an electronic copy of which can be found here: <http://www.microgenerationcertification.org/mcs-standards/product-standards/10-mcs-standards/126-product-standards-2> and a copy of the MCS Planning Standards may be inspected at the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2HH.

(63) Version 2.1, dated 15th January 2014, an electronic copy of which can be found here: <http://www.microgenerationcertification.org/mcs-standards/product-standards> and a copy of the MCS Planning Standards may be inspected at the Department of Energy and Climate Change, 3 Whitehall Place, London, SW1A 2HH.

(64) 2004 c. 20.

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“solar PV” means solar photovoltaics;

“stand-alone solar” means solar PV or solar thermal equipment which is not installed on a building;

“stand-alone wind turbine” means a wind turbine which is not fixed to a building; and

“water source heat pump” means a heat pump where the collecting medium is water.

## PART 15

### Power related development

#### *Class A – gas transporters*

#### Permitted development

**A. Development by a gas transporter required for the purposes of its undertaking consisting of—**

- (a) *the laying underground of mains, pipes or other apparatus;*
- (b) *the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;*
- (c) *the construction in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965 (storage authorisation orders)(65), of boreholes, and the erection or construction in any such area of any plant or machinery required in connection with the construction of such boreholes;*
- (d) *the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed in pursuance of planning permission granted or deemed to be granted under Part 3 of the Act (control over development);*
- (e) *the erection on operational land of the gas transporter of a building solely for the protection of plant or machinery;*
- (f) *any other development carried out in, on, over or under the operational land of the gas transporter.*

#### Development not permitted

**A.1** Development is not permitted by Class A if—

- (a) in the case of any Class A(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level, or under a highway used by vehicular traffic;
- (b) in the case of any Class A(c) development—
  - (i) the borehole is shown in an order approved by the Secretary of State for the purpose of section 4(6) of the Gas Act 1965; or
  - (ii) any plant or machinery would exceed 6 metres in height;

(65) 1965 c. 36; relevant amendments are made by section 67 of, and Schedule 7 to, the Gas Act 1986 (c. 44), Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c. 11), Schedule 4 to the Gas Act 1995 (c. 45) and Schedule 2 to the Planning Act 2008 (c. 29). See section 5(1) of the Gas Act 1965 for the meaning of storage area and protective area.

- (c) in the case of any Class A(e) development, the building would exceed 15 metres in height; or
- (d) in the case of any Class A(f) development—
  - (i) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected;
  - (ii) it would involve the installation of plant or machinery exceeding 15 metres in height, or capable without the carrying out of additional works of being extended to a height exceeding 15 metres; or
  - (iii) it would consist of or include the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater.

## Conditions

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

- (a) in the case of any Class A(a) development, not less than 8 weeks before the beginning of operations to lay a notifiable pipe-line, the gas transporter must give notice in writing to the local planning authority of its intention to carry out that development, identifying the land under which the pipe-line is to be laid;
- (b) in the case of any Class A(d) development, on completion of the laying or construction of the main or pipe, or at the expiry of a period of 9 months from the beginning of the development, whichever is the sooner, any pipes or other apparatus still stored on the land are removed and the land restored as soon as reasonably practicable to its condition before the development took place (or to any other condition which may be agreed with the local planning authority); and
- (c) in the case of any Class A(e) development, approval of the details of the design and external appearance of the building must be obtained, before the development is begun, from—
  - (i) in Greater London or a metropolitan county, the local planning authority,
  - (ii) in a National Park, outside a metropolitan county, the county planning authority,
  - (iii) in any other case, the district planning authority<sup>(66)</sup>.

### *Class B – electricity undertakings*

## Permitted development

**B. Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—**

- (a) ***the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;***
- (b) ***the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;***

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<sup>(66)</sup> See section 1(1) of the Act, which was amended by section 31 of the Greater London Authority Act 2007 (c. 24); there are other amendments not relevant to this Order.

- (c) *the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;*
- (d) *the extension or alteration of buildings on operational land;*
- (e) *the erection on operational land of the undertaking or a building solely for the protection of plant or machinery;*
- (f) *any other development carried out in, on, over or under the operational land of the undertaking.*

### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) in the case of any Class B(a) development—
  - (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines)<sup>(67)</sup> applies; or
  - (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;
- (b) in the case of any Class B(b) development—
  - (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;
  - (ii) the height of any support would exceed 15 metres; or
  - (iii) the electronic communications line would exceed 1,000 metres in length;
- (c) in the case of any Class B(d) development—
  - (i) the height of the original building would be exceeded;
  - (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or
  - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;
- (d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or
- (e) in the case of any Class B(f) development, it would consist of or include—
  - (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
  - (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

### **Conditions**

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

- (a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission

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<sup>(67)</sup> 1989 c. 29, was amended by Schedule 2 to the Planning Act 2008 (c. 29).

relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;

- (b) in the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;
- (c) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and
- (d) in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—
  - (i) in Greater London or a metropolitan county, the local planning authority,
  - (ii) in a National Park, outside a metropolitan county, the county planning authority,
  - (iii) in any other case, the district planning authority.

### **Interpretation of Class B**

**B.3** For the purposes of Class B(a), “electric line” has the meaning given by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1)(**68**).

**B.4** For the purposes of Class B(b)—

“electrical plant” has the meaning given by section 64(1)(**69**) to that Act; and

“electronic communications line” means a line which forms part of an electronic communications apparatus, (and both line and electronic communications apparatus have the meaning given in paragraph 1 of Schedule 2 to the Telecommunications Act 1984 (the electronic communications code)(**70**)).

**B.5** For the purposes of Class B(d), (e) and (f), the land of the holder of a licence under section 6(1) of the Electricity Act 1989 (licensing of supply etc.)(**71**) is treated as operational land if it would be operational land within section 263 of the Act (meaning of “operational land”)(**72**) if such licence holders were statutory undertakers for the purpose of that section.

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(68) 1989 c. 29.

(69) The definition of electrical plant was amended by Schedule 6 to the Utilities Act 2000 (c. 27).

(70) 1984 c. 12; the definition of electronic communications apparatus was inserted, and the definition of line substituted, by Schedule 3 to the Communications Act 2003 (c. 21).

(71) 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27); subsection (1) was amended by sections 136 and 145 of, and Schedule 23 to, the Energy Act 2004 (c. 20) and S.I. 2012/2400.

(72) Section 263 was amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34), Schedule 5 to the Transport Act 2000 (c. 38) and S.I. 2001/1149.

## PART 16

### Communications

#### *Class A – electronic communications code operators*

#### **Permitted development**

**A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—**

- (a) *the installation, alteration or replacement of any electronic communications apparatus,*
- (b) *the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or*
- (c) *development ancillary to radio equipment housing.*

#### **Development not permitted**

*Development not permitted: ground-based apparatus*

*Development not permitted: ground-based apparatus*

**A.1.—(1)** Development is not permitted by Class A(a) if—

- (a) in the case of the installation of apparatus (other than on a building or other structure) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure), the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater; or
- (c) in the case of the alteration or replacement of an existing mast (other than on a building or other structure, on article 2(3) land or on any land which is, or is within, a site of special scientific interest)—
  - (i) the mast, excluding any antenna, would when altered or replaced—
    - (aa) exceed a height of 20 metres above ground level;
    - (bb) at any given height exceed the width of the existing mast at the same height by more than one third; or
  - (ii) where antenna support structures are altered or replaced, the combined width of the mast and any antenna support structures would exceed the combined width of the existing mast and any antenna support structures by more than one third.

*Development not permitted: building-based apparatus*

**(2)** Development is not permitted by Class A(a) if—

- (a) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) would exceed—
  - (i) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or

- (ii) 10 metres in any other case;
- (b) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than—
  - (i) 10 metres, in the case of a building or structure which is 30 metres or more in height;
  - (ii) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height; or
  - (iii) 6 metres in any other case;
- (c) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is less than 15 metres in height; on a mast located on such a building or structure; or, where the antenna is to be located below a height of 15 metres above ground level, on a building or structure (other than a mast) which is 15 metres or more in height—
  - (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building or structure on which the antenna is to be located;
  - (ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all of the dishes on the building, structure or mast would exceed 4.5 metres, when measured in any dimension;
  - (iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of 1 small antenna or a maximum of 2 small cell antennas) would result in the presence on the building or structure of—
    - (aa) more than 3 antenna systems; or
    - (bb) any antenna system operated by more than 3 electronic communications code operators; or
  - (iv) the building or structure is a listed building or a scheduled monument; or
- (d) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is 15 metres or more in height, or on a mast located on such a building or structure, where the antenna is located at a height of 15 metres or above, measured from ground level—
  - (i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all of the dishes on the building, structure or mast would exceed 10 metres, when measured in any dimension;
  - (ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of 2 small antennas or 2 small cell antennas) would result in the presence on the building or structure of—
    - (aa) more than 5 antenna systems; or
    - (bb) any antenna system operated by more than 3 electronic communications code operators; or
  - (iii) the building or structure is a listed building or a scheduled monument.

*Development not permitted: apparatus on masts*

(3) Development is not permitted by Class A(a) if, in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs A.1(1)(a), (b) and (c), and A.1(2)(a) and (b), and for the purposes of applying the limit specified in paragraph A.1(2)(a), the words “(taken by itself)” in that paragraph are omitted.

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*Development not permitted: ground or base area*

(4) Development is not permitted by Class A(a) if, in the case of the installation, alteration or replacement of any apparatus other than—

- (a) a mast;
- (b) an antenna;
- (c) a public call box;
- (d) any apparatus which does not project above the level of the surface of the ground; or
- (e) radio equipment housing,

the ground or base area of the structure would exceed 1.5 square metres.

*Development not permitted: antennas installed, replaced or altered on article 2(3) land or SSSIs*

(5) Development is not permitted by Class A(a) if—

- (a) in the case of development on any article 2(3) land or any land which is, or is within, a site of special scientific interest, it would consist of—
  - (i) the installation or alteration of an antenna or of any apparatus which includes or is intended for the support of such an antenna; or
  - (ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency or is allowed by paragraphs A.1(5)(b), (9)(a), (9)(b) or (10)(b); or

- (b) in the case of the installation of an additional antenna on existing electronic communications apparatus on a building or structure (including a mast) on article 2(3) land—
  - (i) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed 3; or
  - (ii) in the case of antennas other than dish antennas, any additional antennas would exceed 3 metres in height, and the number of additional antennas on the building or structure would exceed 3.

*Development not permitted: driver information systems*

(6) Development is not permitted by Class A(a) if it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.)(73).

*Development not permitted: apparatus near a highway*

(7) Development is not permitted by Class A(a) if, in the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a highway.

*Development not permitted: radio equipment housing*

(8) Development is not permitted by Class A(a) if, in the case of the installation, alteration or replacement of radio equipment housing—

- (a) the development is not ancillary to the use of any other electronic communications apparatus;

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(73) 1989 c.22.



- (b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or
- (c) on any article 2(3) land, or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

*Development not permitted: antennas installed, replaced or altered on a dwellinghouse*

- (9) Development is not permitted by Class A(a) if—
  - (a) in the case of the installation, alteration or replacement on a dwellinghouse or within the curtilage of a dwellinghouse of any electronic communications apparatus, that apparatus—
    - (i) is not a small antenna;
    - (ii) being a small antenna, would result in the presence on that dwellinghouse or within the curtilage of that dwellinghouse of more than 1 such antenna; or
    - (iii) being a small antenna, is to be located on a roof or on a chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively; or
  - (b) in the case of the installation, alteration or replacement on article 2(3) land of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse, the antenna is to be located—
    - (i) on a chimney;
    - (ii) on a building which exceeds 15 metres in height;
    - (iii) on a wall or roof slope which fronts a highway; or
    - (iv) in the Broads, on a wall or roof slope which fronts a waterway.

*Development not permitted: antennas installed, replaced or altered not on a dwellinghouse*

- (10) Development is not permitted by Class A(a) if—
  - (a) in the case of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse—
    - (i) the building is on article 2(3) land;
    - (ii) the building is less than 15 metres in height, and the development would result in the presence on that building of more than 1 such antenna; or
    - (iii) the building is 15 metres or more in height, and the development would result in the presence on that building of more than 2 such antennas; or
  - (b) in the case of the installation, alteration or replacement of a small cell antenna on a building or structure which is not a dwellinghouse or within the curtilage of a dwellinghouse—
    - (i) the building or structure is on any land which is, or is within, a site of special scientific interest; or
    - (ii) the development would result in the presence on the building or structure of more than 2 such antennas.

**Conditions**

**A.2.—**(1) Class A(a) and Class A(c) development is permitted subject to the condition that any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that

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permission is, so far as is practicable, sited so as to minimise its effect on the external appearance of the building.

(2) Class A(a) and Class A(c) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is removed from the land, building or structure on which it is situated—

- (a) if such development was carried out in an emergency on any article 2(3) land or on any land which is, or is within, a site of special scientific interest, at the expiry of the relevant period, or
- (b) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes,

and such land, building or structure is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

(3) Class A(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission must, at the expiry of the relevant period, be removed from the land and the land restored to its condition before the development took place.

(4) Subject to sub-paragraph (5), Class A development—

- (a) on article 2(3) land or land which is, or is within, a site of special scientific interest, or
- (b) on any other land and consisting of the construction, installation, alteration or replacement of—
  - (i) a mast;
  - (ii) an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 6 metres or more;
  - (iii) a public call box;
  - (iv) radio equipment housing, where the volume of any single development is in excess of 2.5 cubic metres,

is permitted subject, except in case of emergency (in which case only paragraph A.3(11) applies), to the conditions set out in paragraph A.3.

(5) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband, provided that the development is completed on or before 30th May 2018.

**A.3.—**(1) The developer must give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates, or a tenant, before making the application required by sub-paragraph (3)—

- (a) by serving a developer's notice on every such person whose name and address is known to the developer; and
- (b) where the developer has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(2) Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before making the application required by sub-paragraph (3).

(3) Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

(4) The application must be accompanied—

- (a) by a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid;
- (b) by the developer's contact address, and the developer's email address if the developer is content to receive communications electronically;
- (c) where sub-paragraph (1) applies, by evidence that the requirements of sub-paragraph (1) have been satisfied; and
- (d) where sub-paragraph (2) applies, by evidence that the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as the case may be, has been notified of the proposal.

(5) Subject to sub-paragraph (7)(c) and (d), upon receipt of the application under sub-paragraph (4) the local planning authority must—

(a) for development which, in their opinion, falls within a category set out in the Table in Schedule 4 to the Procedure Order (consultations before the grant of permission), consult the authority or person mentioned in relation to that category, except where—

- (i) the local planning authority are the authority so mentioned; or
- (ii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted,

and must give the consultees at least 14 days within which to comment;

(b) in the case of development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated or which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way)(74) applies, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order (notice of applications for planning permission)—

- (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days, and
- (ii) by local advertisement;

(c) in the case of development which does not fall within paragraph (b) but which involves development carried out on a site having an area of 1 hectare or more, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order—

- (i) by—
  - (aa) site display in at least one place on or near the land to which the application relates for not less than 21 days, or
  - (bb) serving notice on any adjoining owner or occupier, and
- (ii) by local advertisement;

(d) in the case of development which does not fall within paragraph (b) or (c), must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order—

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(74) 1981 c. 69. See in particular section 66 to which there are amendments not relevant to this Order.

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- (i) by site display in at least one place on or near the land to which the application relates for not less than 21 days, or
  - (ii) by serving the notice on any adjoining owner or occupier.
- (6) The local planning authority must take into account any representations made to them as a result of consultations or notices given under paragraph A.3, when determining the application made under sub-paragraph (3).
- (7) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (b) where the local planning authority gives the applicant written notice that such prior approval is required, the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which they received the applicant's application;
  - (c) where the local planning authority gives the applicant written notice that such prior approval is required, the expiry of a period of 56 days beginning with the date on which the local planning authority received the application under sub-paragraph (4) without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or
  - (d) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required.
- (8) The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
- (a) where prior approval has been given as mentioned in sub-paragraph (7)(b) in accordance with the details approved;
  - (b) in any other case, in accordance with the details submitted with the application.
- (9) The agreement in writing referred to in sub-paragraph (8) requires no special form of writing, and in particular there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval.
- (10) The development must begin—
- (a) where prior approval has been given as mentioned in sub-paragraph (7)(b), not later than the expiration of 5 years beginning with the date on which the approval was given;
  - (b) in any other case, not later than the expiration of 5 years beginning with the date on which the local planning authority were given the information referred to in sub-paragraph (4).
- (11) In a case of emergency, development is permitted by Class A subject to the condition that the operator must give written notice to the local planning authority of such development as soon as possible after the emergency begins.

## **Interpretation of Class A**

### **A.4** For the purposes of Class A—

“aerodrome operator” means the person for the time being having the management of an aerodrome or, in relation to a particular aerodrome, the management of that aerodrome;

“antenna system” means a set of antennas installed on a building or structure and operated in accordance with the electronic communications code;

“developer's notice” means a notice signed and dated by or on behalf of the developer and containing—

- (a) the name of the developer;
- (b) the address or location of the proposed development;
- (c) a description of the proposed development (including its siting and appearance and the height of any mast);
- (d) a statement that the developer will apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development;
- (e) the name and address of the local planning authority to whom the application will be made;
- (f) a statement that the application is available for public inspection at the offices of the local planning authority during usual office hours;
- (g) a statement that any person who wishes to make representations about the siting and appearance of the proposed development may do so in writing to the local planning authority;
- (h) the date by which any such representations should be received by the local planning authority, being a date not less than 14 days from the date of the notice; and
- (i) the address to which such representations should be made;

“development ancillary to radio equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing, and except on any land which is, or is within, a site of special scientific interest includes—

- (a) security equipment;
- (b) perimeter walls and fences; and
- (c) handrails, steps and ramps;

“electronic communications apparatus”, “electronic communications code” and “electronic communications service” have the same meaning as in the Communications Act 2003<sup>(75)</sup>;

“existing electronic communications apparatus” means electronic communications apparatus which is already sending or receiving electronic communications;

“existing mast” means a mast with attached electronic communications apparatus which existed and was sending or receiving electronic communications at 3rd May 2013;

“fixed-line broadband” means a service or connection (commonly referred to as being ‘always on’), via a fixed-line network, providing a bandwidth greater than narrowband;

“land controlled by the operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term of not less than 10 years;

“mast” means a radio mast or a radio tower;

“narrowband” means a service or connection providing data speeds up to 128 k bit/s;

“owner” means any person who is the estate owner in respect of the fee simple, or who is entitled to a tenancy granted or extended for a term of years certain of which not less than 7 years remain unexpired;

“relevant period” means a period which expires—

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(75) 2003 c. 21; there is a relevant amendment in S.I. 2011/1210. See in particular section 151 for the definition of “electronic communications apparatus”, section 106(1) for the definition of “electronic communications code” and section 32(2) for the definition of “electronic communications service”.

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- (a) 6 months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class A(a) or Class A(c) or from the commencement of the use permitted by Class A(b), as the case may be, or
  - (b) when the need for such apparatus, structure or use ceases,
- whichever occurs first;

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

“small antenna” means an antenna which—

- (a) is for use in connection with a telephone system operating on a point to fixed multi-point basis;
- (b) does not exceed 0.5 metres in any linear measurement; and
- (c) does not, in two-dimensional profile, have an area exceeding 1,591 square centimetres, and any calculation for the purposes of paragraph (b) and (c) excludes any feed element, reinforcing rim mountings and brackets;

“small cell antenna” means an antenna which—

- (a) operates on a point to multi-point or area basis in connection with an electronic communications service;
- (b) may be variously referred to as a femtocell, picocell, metrocell or microcell antenna;
- (c) does not, in any two-dimensional measurement, have a surface area exceeding 5,000 square centimetres; and
- (d) does not have a volume exceeding 50,000 cubic centimetres,

and any calculation for the purposes of paragraph (c) and (d) includes any power supply unit or casing, but excludes any mounting, fixing, bracket or other support structure; and

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which the application relates.

**A.5** Where Class A permits the installation, alteration or replacement of any electronic communications apparatus, the permission extends to any—

- (a) casing or covering;
- (b) mounting, fixing, bracket or other support structure;
- (c) perimeter walls or fences;
- (d) handrails, steps or ramps; or
- (e) security equipment,

reasonably required for the purposes of the electronic communications apparatus.

**A.6** Nothing in paragraph A.5 extends the permission in Class A to include the installation, alteration or replacement of anything mentioned in paragraph A.5(a) to (e) on any land which is, or is within, a site of special scientific interest if the inclusion of such an item would not have been permitted by Class A, as read without reference to paragraph A.5.

*Class B – other telecommunications development*

**Permitted development**

**B. *The installation, alteration or replacement on any building or other structure of a height of 15 metres or more of a microwave antenna and any structure intended for the support of a microwave antenna.***

**Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the building is a dwellinghouse or the building or structure is within the curtilage of a dwellinghouse;
- (b) it would consist of development of a kind described in Class A of this Part;
- (c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc)(76);
- (d) it would result in the presence on the building or structure of more than 4 antennas;
- (e) in the case of an antenna installed on a chimney, the length of the antenna would exceed 0.6 metres;
- (f) in all other cases, the length of the antenna would exceed 1.3 metres;
- (g) it would consist of the installation of an antenna with a cubic capacity in excess of 35 litres;
- (h) the highest part of the antenna or its supporting structure would be more than 3 metres higher than the highest part of the building or structure on which it is installed or is to be installed; or
- (i) in the case of article 2(3) land, it would consist of the installation of an antenna—
  - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
  - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway.

**Conditions**

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

- (a) the antenna is, so far as is practicable, sited so as to minimise its effect on the external appearance of the building or structure on which it is installed; and
- (b) an antenna no longer needed for reception or transmission purposes is removed from the building or structure as soon as reasonably practicable.

*Class C – other telecommunications development: microwave antenna*

**Permitted development**

**C. *The installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a microwave antenna.***

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(76) 1989 c. 22.

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

## **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the building is a dwellinghouse or other structure within the curtilage of a dwellinghouse;
- (b) it would consist of development of a kind described in Class A of this Part;
- (c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc);
- (d) it would result in the presence on the building or structure of—
  - (i) more than 2 antennas;
  - (ii) a single antenna exceeding 1 metre in length;
  - (iii) 2 antennas which do not meet the relevant size criteria;
  - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres;
  - (v) an antenna installed on a chimney, where the antenna would protrude over the chimney;
  - (vi) an antenna with a cubic capacity in excess of 35 litres;
- (e) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (f) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney stack, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lowest; or
- (g) in the case of article 2(3) land, it would consist of the installation of an antenna—
  - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
  - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway.

## **Condition**

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

- (a) the antenna is, so far as practicable, sited so as to minimise its effect on the external appearance of the building or structure on which it is installed; and
- (b) an antenna no longer needed for reception or transmission purposes is removed from the building or structure as soon as reasonably practicable.

## **Interpretation of Class C**

**C.3** The relevant size criteria for the purposes of paragraph C.1(d)(iii) are that:

- (a) only 1 of the antennas may exceed 0.6 metres in length; and
- (b) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length.

### *Class D – driver information systems*

## **Permitted development**

**D. *The installation, alteration or replacement of system apparatus by or on behalf of a driver information system operator.***



## Development not permitted

**D.1** Development is not permitted by Class D if—

- (a) in the case of the installation, alteration or replacement of system apparatus other than on a building or other structure—
  - (i) the ground or base area of the system apparatus would exceed 1.5 square metres; or
  - (ii) the system apparatus would exceed a height of 15 metres above ground level; or
- (b) in the case of the installation, alteration or replacement of system apparatus on a building or other structure—
  - (i) the highest part of the apparatus when installed, altered, or replaced would exceed in height the highest part of the building or structure by more than 3 metres; or
  - (ii) the development would result in the presence on the building or structure of more than 2 microwave antennas.

## Conditions

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

- (a) any system apparatus is, so far as practicable, sited so as to minimise its effect on the external appearance of any building or other structure on which it is installed; and
- (b) any system apparatus which is no longer needed for a driver information system is removed as soon as reasonably practicable.

## Interpretation of Class D

**D.3** For the purposes of Class D—

“driver information system operator” means a person granted an operator’s licence under section 10 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (operators’ licences)(77); and

“system apparatus” has the meaning assigned to that term by section 8(6) of that Act (definitions of driver information systems etc.).

### *Class E – universal postal service providers*

## Permitted development

**E.** *Development required for the purposes of a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011(78)) in connection with the provision of a universal postal service (within the meaning of that Part) consisting of—*

- (a) *the installation of posting boxes or self-service machines,*
- (b) *any other development carried out in, on, over or under the operational land of the undertaking.*

## Development not permitted

**E.1** Development is not permitted by Class E if—

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(77) 1989 c. 22.

(78) 2011 c. 5. By section 65(1) (as applied by section 65(3)), a universal service provider means any postal operator for the time being designated under section 35, and postal operator has the meaning given by section 27.

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

- (a) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
- (b) it would consist of or include the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any existing plant or machinery, whichever is the greater.

### **Interpretation of Part 16**

**F.1** For the purposes of Part 16, the length of an antenna is to be measured in any linear direction and excludes any projecting feed element, reinforcing rim, mounting or brackets.

## **PART 17**

### **Mining and mineral exploration**

*Class A – extensions, alterations etc ancillary to mining operations*

#### **Permitted development**

**A.** *The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—*

- (a) *plant or machinery,*
- (b) *buildings,*
- (c) *private ways or private railways or sidings, or*
- (d) *sewers, mains, pipes, cables or other similar apparatus,*

*on land used as a mine.*

#### **Development not permitted**

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

- (a) in relation to land at an underground mine—
  - (i) on land which is not an approved site; or
  - (ii) on land to which the description in paragraph N.2(1)(b) of this Part applies, unless a plan of that land was deposited with the mineral planning authority<sup>(79)</sup> before 5th June 1989;
- (b) if the principal purpose of the development would be any purpose other than—
  - (i) purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or
  - (ii) the treatment, storage or removal from the mine of such minerals or waste materials derived from them;
- (c) if the external appearance of the mine would be materially affected;
- (d) if the height of any building, plant or machinery which is not in an excavation would exceed—
  - (i) 15 metres above ground level; or

<sup>(79)</sup> See section 1(4) of the Act.

- (ii) the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,  
whichever is the greater;
- (e) if the height of any building, plant or machinery in an excavation would exceed—
  - (i) 15 metres above the excavated ground level; or
  - (ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or
  - (iii) the height of the building, plant or machinery, if any, which is being rearranged, replaced or repaired or otherwise altered,  
whichever is the greatest;
- (f) if any building erected (other than a replacement building) would have a floor space exceeding 1,000 square metres; or
- (g) if the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1,000 square metres the floor space of that building.

### **Condition**

**A.2** Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant and machinery permitted by Class A are removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land is restored, so far as is practicable, to its condition before the development took place, or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

*Class B – other developments ancillary to mining operations*

### **Permitted development**

**B.** *The carrying out, on land used as a mine or on ancillary mining land of operations for the erection, installation, extension, rearrangement, replacement, repair or other alteration of any—*

- (a) *plant or machinery,*
- (b) *buildings, or*
- (c) *structures or erections.*

### **Development not permitted**

**B.1** Development is not permitted by Class B—

- (a) in relation to land at an underground mine—
  - (i) on land which is not an approved site; or
  - (ii) on land to which the description in paragraph N.2(1)(b) of this Part applies, unless a plan of that land was deposited with the mineral planning authority<sup>(80)</sup> before 5th June 1989; or

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<sup>(80)</sup> See section 1(4) of the Act.

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

- (b) if the principal purpose of the development would be any purpose other than—
  - (i) purposes in connection with the operation of the mine;
  - (ii) the treatment, preparation for sale, consumption or utilization of minerals won or brought to the surface at that mine; or
  - (iii) the storage or removal from the mine of such minerals, their products or waste materials derived from them.

### **Condition**

**B.2.**—(1) Subject to sub-paragraph (2), development is permitted by Class B subject to the prior approval of the mineral planning authority of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

**B.3** Development is permitted by Class B subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant, machinery, structures and erections permitted by Class B is removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land is restored, so far as is practicable, to its condition before the development took place or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

### *Class C – developments for maintenance or safety*

#### **Permitted development**

**C.** *The carrying out of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.*

#### **Development not permitted**

**C.1** Development is not permitted by Class C if it is carried out by the Coal Authority or any licensed operator within the meaning of section 65 of the Coal Industry Act 1994 (interpretation)(**81**).

#### **Conditions**

**C.2.**—(1) Subject to sub-paragraphs (2) and (3), development is permitted by Class C subject to the prior approval of the mineral planning authority(**82**) of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

- (2) The prior approval referred to in sub-paragraph (1) is not required if—

(81) 1994 c. 32; which was amended by S.I. 2009/1941. See also section 25 concerning coal-mining operations to be licensed.

(82) See section 1(4) of the Act.

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;
  - (b) no building, plant, machinery, structure or erection—
    - (i) would exceed a height of 15 metres above ground level, or
    - (ii) where any building, plant, machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater, and
  - (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in sub-paragraph (4).
- (3) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—
- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or
  - (b) the proposed development ought to be, and could reasonably be, sited elsewhere.
- (4) The limits referred to in paragraph C.2(2)(c) are—
- (a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%; and
  - (b) that the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

*Class D – coal mining development by the Coal Authority and licensed operators*

### **Permitted development**

**D. Development by a licensee of the Coal Authority, in a mine started before 1st July 1948, consisting of—**

- (a) ***the winning and working underground of coal or coal-related minerals in a designated seam area; or***
- (b) ***the carrying out of development underground which is required in order to gain access to and work coal or coal-related minerals in a designated seam area.***

### **Conditions**

**D.1** Development is permitted by Class D subject to the following conditions—

- (a) subject to paragraph (b)—
  - (i) except in a case where there is an approved restoration scheme or mining operations have permanently ceased, the developer must, before 31st December 1995 or before any later date which the mineral planning authority<sup>(83)</sup> may agree in writing, apply to the mineral planning authority for approval of a restoration scheme;
  - (ii) where there is an approved restoration scheme, reinstatement, restoration and aftercare is carried out in accordance with that scheme;
  - (iii) if an approved restoration scheme does not specify the periods within which reinstatement, restoration or aftercare should be carried out, it is subject to conditions that—

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(83) See section 1(4) of the Act.

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

- (aa) reinstatement or restoration, if any, is to be carried out before the end of the period of 24 months from either the date when the mining operations have permanently ceased or the date when any application for approval of a restoration scheme under paragraph (a)(i) has been finally determined, whichever is later, and
- (bb) aftercare, if any, in respect of any part of a site, is to be carried out throughout the period of 5 years from either the date when any reinstatement or restoration in respect of that part is completed or the date when any application for approval of a restoration scheme under paragraph (a)(i) has been finally determined, whichever is later;
- (iv) where there is no approved restoration scheme—
  - (aa) all buildings, plant, machinery, structures and erections used at any time for or in connection with any previous coal-mining operations at that mine are removed from any land which is an authorised site unless the mineral planning authority have otherwise agreed in writing; and
  - (bb) that land is, so far as practicable, restored to its condition before any previous coal-mining operations at that mine took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer,
 before the end of the period specified in paragraph (a)(v);
- (v) the period referred to in paragraph (a)(iv) is—
  - (aa) the period of 24 months from the date when the mining operations have permanently ceased or, if an application for approval of a restoration scheme has been made under paragraph (a)(i) before that date, 24 months from the date when that application has been finally determined, whichever is later, or
  - (bb) any longer period which the mineral planning authority have agreed in writing;
- (vi) for the purposes of paragraph (a), an application for approval of a restoration scheme has been finally determined when the following conditions have been met—
  - (aa) any proceedings on the application, including any proceeding on or in consequence of an application under section 288 of the Act (proceedings for questioning the validity of certain orders, decisions and directions)<sup>(84)</sup>, have been determined, and
  - (bb) any time for appealing under section 78 (right to appeal against planning decisions and failure to take such decisions)<sup>(85)</sup>, or applying or further applying under section 288, of the Act (where there is a right to do so) has expired; and
- (b) paragraph (a) does not apply to land in respect of which there is an extant planning permission which—
  - (i) has been granted on an application under Part 3 of the Act; and
  - (ii) has been implemented.

<sup>(84)</sup> Section 288 was amended by Schedule 3 to the Tribunals and Inquiries Act 1992 (c. 53).

<sup>(85)</sup> Section 78 was amended by section 17(2) of the Planning and Compensation Act 1991 (c. 34), Schedules 10 and 11 to the Planning Act 2008 (c. 29), section 123 of, and Schedule 12 to, the Localism Act 2011 (c. 20) and Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

## Interpretation of Class D

### D.2 For the purposes of Class D—

“approved restoration scheme” means a restoration scheme which is approved when an application made under paragraph D.1(a)(i) is finally determined, as approved (with or without conditions), or as subsequently varied with the written approval of the mineral planning authority (with or without conditions);

“coal-related minerals” means minerals other than coal which are, or may be, won and worked by coal-mining operations;

“designated seam area” means land identified, in accordance with paragraph (a) of the definition of “seam plan”, in a seam plan which was deposited with the mineral planning authority before 30th September 1993;

“a licensee of the Coal Authority” means any person who is for the time being authorised by a licence under Part 2 of the Coal Industry Act 1994 to carry on coal-mining operations to which section 25 of that Act (coal-mining operations to be licensed) applies;

“previous coal-mining operations” has the same meaning as in section 54(3) of the Coal Industry Act 1994 (obligations to restore land affected by coal-mining operations) and references in Class D to the use of anything in connection with any such operations include references to its use for or in connection with activities carried on in association with, or for purposes connected with, the carrying on of those operations;

“restoration scheme” means a scheme which makes provision for the reinstatement, restoration or aftercare (or a combination of these) of any land which is an authorised site and has been used at any time for or in connection with any previous coal-mining operations at that mine; and

“seam plan” means a plan on a scale of not less than 1 to 25,000 showing—

- (a) land comprising the maximum extent of the coal seam or seams that could have been worked from shafts or drifts existing at a mine at 13th November 1992, without further development on an authorised site other than development permitted by Class B of Part 20 of Schedule 2 to the Town and Country Planning General Development Order 1988(86), as originally enacted;
- (b) any active access used in connection with the land referred to in paragraph (a) of this definition;
- (c) the National Grid lines and reference numbers shown on Ordnance Survey maps;
- (d) a typical stratigraphic column showing the approximate depths of the coal seam referred to in paragraph (a) of this definition.

### *Class E – coal mining development by a licensee of the British Coal Corporation*

## Permitted development

### ***E. Development by a licensee of the British Coal Corporation, in a mine started before 1st July 1948, consisting of—***

- (a) ***the winning and working underground of coal or coal-related minerals in a designated seam area; or***
- (b) ***the carrying out of development underground which is required in order to gain access to and work coal or coal-related minerals in a designated seam area.***

**Interpretation of Class E****E.1** For the purposes of Class E—

“coal-related minerals” means minerals other than coal which can only be economically worked in association with the working of coal or which can only be economically brought to the surface by the use of a mine of coal;

“designated seam area” has the same meaning as in paragraph D.2 of this Part; and

“a licensee of the British Coal Corporation” means any person who is for the time being authorised by virtue of section 25(3) of the Coal Industry Act 1994 (coal-mining operations to be licensed)<sup>(87)</sup> to carry on coal-mining operations to which section 25 of that Act applies.

*Class F – coal-mining development on an authorised site***Permitted development**

**F.** *Any development required for the purposes of a mine which is carried out on an authorised site at that mine by a licensed operator in connection with coal-mining operations.*

**Development not permitted****F.1** Development is not permitted by Class F if—

- (a) the external appearance of the mine would be materially affected;
- (b) any building, plant or machinery, structure or erection or any deposit of minerals or waste—
  - (i) would exceed a height of 15 metres above ground level, or
  - (ii) where a building, plant or machinery would be rearranged, replaced or repaired, the resulting development would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater;
- (c) any building erected (other than a replacement building) would have a floor space exceeding 1,000 square metres;
- (d) the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1,000 square metres, the floor space of that building;
- (e) it would be for the purpose of creating a new surface access to underground workings or of improving an existing access (which is not an active access) to underground workings; or
- (f) it would be carried out on land to which the description in paragraph N.2(2)(b) of this Part applies, and a plan of that land had not been deposited with the mineral planning authority<sup>(88)</sup> before 5th June 1989.

**Conditions**

**F.2** Development is permitted by Class F subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant, machinery, structures and erections and deposits of minerals or waste permitted by Class F are removed from the land unless the mineral planning authority have otherwise agreed in writing; and

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<sup>(87)</sup> 1994 c. 21.

<sup>(88)</sup> See section 1(4) of the Act.



- (b) the land is, so far as is practicable, restored to its condition before the development took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer.

**F.3.**—(1) Subject to sub-paragraphs (2) and (3), development is permitted by Class F subject to the prior approval of the mineral planning authority of detailed proposals for the siting, design and external appearance of any building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) is not required for any building, plant or machinery which does not exceed the limits set out in paragraph F.1(b), (c) or (d).

(3) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

*Class G – coal-mining development by the Coal Authority etc for maintenance or safety*

## **Permitted development**

**G.** *The carrying out by the Coal Authority or a licensed operator of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.*

## **Conditions**

**G.1.**—(1) Subject to sub-paragraphs (2) and (3), development is permitted by Class G subject to the prior approval of the mineral planning authority<sup>(89)</sup> of detailed proposals for the siting, design and external appearance of the building, plant or machinery proposed to be erected, installed, extended or altered.

(2) The prior approval referred to in sub-paragraph (1) is not required if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;
- (b) no building, plant or machinery, structure or erection—
  - (i) would exceed a height of 15 metres above ground level; or
  - (ii) where any building, plant, machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was rearranged, replaced or repaired, whichever is the greater, and
- (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in sub-paragraph (4).

(3) The prior approval referred to in sub-paragraph (1) may not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or

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<sup>(89)</sup> See section 1(4) of the Act.

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

- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.
- (4) The limits referred to in paragraph G.1(2)(c) are—
  - (a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%; and
  - (b) that the floor space of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

### *Class H – waste tipping at a mine*

#### **Permitted development**

**H.** *The deposit, on premises used as a mine or on ancillary mining land already used for the purpose, of waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine, or from the treatment or the preparation for sale, consumption or utilization of minerals from the mine.*

#### **Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) in the case of waste deposited in an excavation, waste would be deposited at a height above the level of the land adjoining the excavation, unless that is provided for in a waste management scheme or a relevant scheme; or
- (b) in any other case, the superficial area or height of the deposit (measured as at 21st October 1988) would be increased by more than 10%, unless such an increase is provided for in a waste management scheme or in a relevant scheme.

#### **Conditions**

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

- (a) except in a case where a relevant scheme or a waste management scheme has already been approved by the mineral planning authority<sup>(90)</sup>, the developer must, if the mineral planning authority so require, within 3 months or such longer period as the authority may specify, submit a waste management scheme for that authority’s approval; and
- (b) where a waste management scheme or a relevant scheme has been approved, the depositing of waste and all other activities in relation to that deposit is carried out in accordance with the scheme as approved.

#### **Interpretation of Class H**

**H.3** For the purposes of Class H—

“ancillary mining land” means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part 3 of the Act (control over development)<sup>(91)</sup>; and

“waste management scheme” means a scheme required by the mineral planning authority to be submitted for their approval in accordance with the condition in paragraph H.2(a) which makes provision for—

<sup>(90)</sup> See section 1(4) of the Act.

<sup>(91)</sup> See in particular section 58; which was amended by Schedule 12 to the Localism Act 2011 (c. 20) and Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

- (a) the manner in which the depositing of waste (other than waste deposited on a site for use for filling any mineral excavation in the mine or on ancillary mining land in order to comply with the terms of any planning permission granted on an application or deemed to be granted under Part 3 of the Act) is to be carried out after the date of the approval of that scheme;
- (b) where appropriate, the stripping and storage of the subsoil and topsoil;
- (c) the restoration and aftercare of the site.

*Class I – waste tipping from a mine on sites used since 1948*

**Permitted development**

**I. *The deposit on land comprised in a site used for the deposit of waste materials or refuse on 1st July 1948 of waste resulting from coal-mining operations.***

**Development not permitted**

**I.1** Development is not permitted by Class I unless it is in accordance with a relevant scheme approved by the mineral planning authority<sup>(92)</sup> before 5th December 1988.

**Interpretation of Class J**

**I.2** For the purposes of Class I, “coal-mining operations” has the same meaning as in section 65 of the Coal Industry Act 1994 (interpretation).

*Class J – temporary use of land etc for mineral exploration*

**Permitted development**

**J. *Development on any land during a period not exceeding 28 consecutive days consisting of—***

- (a) *the drilling of boreholes;*
- (b) *the carrying out of seismic surveys; or*
- (c) *the making of other excavations,*

***for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.***

**Development not permitted**

**J.1** Development is not permitted by Class J if—

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) any operation would be carried out within 50 metres of any part of an occupied residential building or a building occupied as a hospital or school;
- (c) any operation would be carried out within a National Park, an area of outstanding natural beauty, a site of archaeological interest or a site of special scientific interest;
- (d) any explosive charge of more than 1 kilogram would be used;
- (e) any excavation referred to in Class J(c) would exceed 10 metres in depth or 12 square metres in surface area;

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(92) See section 1(4) of the Act.

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

- (f) in the case described in Class J(c) more than 10 excavations would, as a result, be made within any area of 1 hectare within the land during any period of 24 months; or
- (g) any structure assembled or provided would exceed 12 metres in height, or, where the structure would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height.

## Conditions

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

- (a) no operations are carried out between 6.00pm and 7.00am;
- (b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless the mineral planning authority<sup>(93)</sup> have so agreed in writing;
- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil is separately removed from the land to be excavated and stored separately from other excavated material and from each other;
- (d) within a period of 28 days from the cessation of operations unless the mineral planning authority have agreed otherwise in writing—
  - (i) any structure permitted by Class J and any waste material arising from other development so permitted is removed from the land;
  - (ii) any borehole is adequately sealed;
  - (iii) any other excavation is filled with material from the site;
  - (iv) the surface of the land on which any operations have been carried out is levelled and any topsoil replaced as the uppermost layer, and
  - (v) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

*Class K – use of land etc for mineral exploration*

## Permitted development

**K.** *Development on any land consisting of—*

- (a) *the drilling of boreholes;*
- (b) *the carrying out of seismic surveys; or*
- (c) *the making of other excavations,*

*for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.*

## Development not permitted

**K.1** Development is not permitted by Class K if—

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) the developer has not previously notified the mineral planning authority<sup>(94)</sup> in writing of its intention to carry out the development (specifying the nature and location of the development);

<sup>(93)</sup> See section 1(4) of the Act.

<sup>(94)</sup> See section 1(4) of the Act.

- (c) the relevant period has not elapsed;
- (d) any explosive charge of more than 2 kilograms would be used;
- (e) any excavation referred to in Class K(c) would exceed 10 metres in depth or 12 square metres in surface area; or
- (f) any structure assembled or provided would exceed 12 metres in height.

### **Conditions**

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

- (a) the development is carried out in accordance with the details in the notification referred to in paragraph K.1(b), unless the mineral planning authority have otherwise agreed in writing;
- (b) no trees on the land are removed, felled, lopped or topped and no other thing is done on the land likely to harm or damage any trees, unless specified in detail in the notification referred to in paragraph K.1(b) or the mineral planning authority have otherwise agreed in writing;
- (c) before any excavation other than a borehole is made, any topsoil and any subsoil is separately removed from the land to be excavated and stored separately from other excavated material and from each other;
- (d) within a period of 28 days from operations ceasing, unless the mineral planning authority have agreed otherwise in writing—
  - (i) any structure permitted by Class K and any waste material arising from other development so permitted is removed from the land;
  - (ii) any borehole is adequately sealed;
  - (iii) any other excavation is filled with material from the site;
  - (iv) the surface of the land is levelled and any topsoil replaced as the uppermost layer, and
  - (v) the land is, so far as is practicable, restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting, and
- (e) the development ceases no later than a date 6 months after the elapse of the relevant period, unless the mineral planning authority have otherwise agreed in writing.

### **Interpretation of Class K**

**K.3** For the purposes of Class K, “relevant period” means the period elapsing—

- (a) where a direction is not issued under article 5, 28 days after the notification referred to in paragraph K.1(b) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction, or
- (b) where a direction is issued under article 5, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction.

### *Class L – removal of material from a stockpile*

### **Permitted development**

**L.** *The removal of material of any description from a stockpile.*

*Class M - removal of material from mineral-working deposits*

**Permitted development**

**M.** *The removal of material of any description from a mineral-working deposit other than a stockpile.*

**Development not permitted**

**M.1** Development is not permitted by Class M if—

- (a) the developer has not previously notified the mineral planning authority<sup>(95)</sup> in writing of its intention to carry out the development and supplied them with the appropriate details;
- (b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains no mineral or other material which was deposited on the land more than 5 years before the development; or
- (c) the deposit derives from the carrying out of any operations permitted under Class A, B or C of Part 6 (agricultural development) of this Schedule or any Class in a previous development order which it replaces.

**Conditions**

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

- (a) it is carried out in accordance with the details given in the notice sent to the mineral planning authority referred to in paragraph M.1(a), unless that authority have agreed otherwise in writing;
- (b) if the mineral planning authority so require, the developer must within a period of 3 months from the date of the requirement (or such other longer period as that authority may provide) submit to them for approval a scheme providing for the restoration and aftercare of the site;
- (c) where such a scheme is required, the site is restored and aftercare is carried out in accordance with the provisions of the approved scheme; and
- (d) development is not be commenced until the relevant period has elapsed.

**Interpretation of Class M**

**M.3** For the purposes of Class M—

“appropriate details” means—

- (a) the nature of the development;
- (b) the exact location of the mineral-working deposit from which the material would be removed;
- (c) the proposed means of vehicular access to the site at which the development is to be carried out, and
- (d) the earliest date at which any mineral presently contained in the deposit was deposited on the land; and

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 5, 28 days after the notification referred to in paragraph M.1(a) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction; or

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(95) See section 1(4) of the Act.

- (b) where a direction is issued under article 5, 28 days from the date on which notice of that direction is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction.

## **Interpretation of Part 17**

### **N.1** For the purposes of Part 17—

“active access” means a surface access to underground workings which is in normal and regular use for the transportation of coal, materials, spoil or persons;

“ancillary mining land” means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part 3 of the Act (control over development)<sup>(96)</sup>;

“coal-mining operations” has the same meaning as in section 65 of the Coal Industry Act 1994 (interpretation) and references to any development or use in connection with coal-mining operations include references to development or use for or in connection with activities carried on in association with, or for purposes connected with, the carrying on of those operations;

“licensed operator” has the same meaning as in section 65 of the Coal Industry Act 1994;

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“minerals” does not include any coal other than coal won or worked during the course of operations which are carried on exclusively for the purpose of exploring for coal or confined to the digging or carrying away of coal that it is necessary to dig or carry away in the course of activities carried on for purposes which do not include the getting of coal or any product of coal;

“normal and regular use” means use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery;

“relevant scheme” means a scheme, other than a waste management scheme, requiring approval by the mineral planning authority in accordance with a condition or limitation on any planning permission granted or deemed to be granted under Part 3 of the Act (control over development), for making provision for the manner in which the deposit of waste is to be carried out and for the carrying out of other activities in relation to that deposit;

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale;

“structure” includes a building, plant or machinery; and

“underground mine” is a mine at which minerals are worked principally by underground methods.

### **N.2.—(1)** An area of land is an approved site for the purposes of Class A and B of this Part if—

- (a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted, as land which may be used for development described in this Part; or
- (b) in any other case, it is land immediately adjoining an active access to an underground mine which, on 5th December 1988, was in use for the purposes of that mine, in connection with the purposes described in paragraph A.1(b)(i) or (ii) or paragraph B.1(b)(i) to (iii) of this Part.

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<sup>(96)</sup> See in particular section 58; which was amended by Schedule 12 to the Localism Act 2011 (c. 20) and Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27).

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

(2) Subject to sub-paragraph (3), land is an authorised site for the purposes of Class D and F of this Part if—

- (a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted as land which may be used for development described in this Part; or
- (b) in any other case, it is land immediately adjoining an active access which, on 5th December 1988, was in use for the purposes of that mine in connection with coal-mining operations.

(3) For the purposes of sub-paragraph (2), land is not to be regarded as in use in connection with coal-mining operations if—

- (a) it is used for the permanent deposit of waste derived from the winning and working of minerals; or
- (b) there is on, over or under it a railway, conveyor, aerial ropeway, roadway, overhead power line or pipe-line which is not itself surrounded by other land used for those purposes.

## PART 18

### Miscellaneous development

*Class A – development under local or private Acts or Order*

#### Permitted development

##### **A. Development authorised by—**

- (a) *a local or private Act of Parliament,*
- (b) *an order approved by both Houses of Parliament, or*
- (c) *an order under section 14 or 16 of the Harbours Act 1964 (orders for securing harbour efficiency etc, and orders conferring powers for improvement, construction etc of harbours)(97),*

*which designates specifically the nature of the development authorised and the land upon which it may be carried out.*

#### Conditions

##### **A.1** Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; or
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained.

**A.2** The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

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(97) 1964 c. 40. Relevant amendments are Schedules 6 and 12 to the Transport Act 1981 (c. 56), section 46 of the Criminal Justice Act 1982 (c. 48), Schedule 3 to the Transport and Works Act 1992 (c. 42), Schedule 2 to the Planning Act 2008 (c. 29), Schedule 21 to the Marine and Coastal Access Act 2009 (c. 23) and S.I. 2006/1177 and 2009/1941.



- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

### **Interpretation of Class A**

**A.3** For the purposes of Class A, “appropriate authority” means—

- (a) in Greater London or a metropolitan county, the local planning authority;
- (b) in a National Park, outside a metropolitan county, the county planning authority; and
- (c) in any other case, the district planning authority<sup>(98)</sup>.

### *Class B – development at amusement parks*

### **Permitted development**

**B. Development on land used as an amusement park consisting of—**

- (a) *the erection of booths or stalls or the installation of plant or machinery to be used for or in connection with the entertainment of the public within the amusement park; or*
- (b) *the extension, alteration or replacement of any existing booths or stalls, plant or machinery so used.*

### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the plant or machinery would—
  - (i) if the land or pier is within 3 kilometres of the perimeter of an aerodrome, exceed a height of 25 metres or the height of the highest existing structure (whichever is the lesser), or
  - (ii) in any other case, exceed a height of 25 metres;
- (b) in the case of an extension to an existing building or structure, that building or structure would as a result exceed 5 metres above ground level or the height of the roof of the existing building or structure, whichever is the greater; or
- (c) in any other case, the height of the building or structure erected, extended, altered or replaced would exceed 5 metres above ground level.

### **Interpretation of Class B**

**B.2** For the purposes of Class B—

“amusement park” means an enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side-shows; but, where part only of an enclosed area is commonly so used as a funfair or for such public entertainment, only the part so used is to be regarded as an amusement park; and

“booths or stalls” includes buildings or structures similar to booths or stalls.

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<sup>(98)</sup> See section 1(1) of the Act; which was amended by section 31 of the Greater London Authority Act 2007 (c. 24). There are other amendments not relevant to this Order.

## PART 19

### Development by the Crown or for national security purposes

#### *Class A – general development by the Crown*

#### **Permitted development**

**A. The erection or construction and the maintenance, improvement or other alteration by or on behalf of the Crown of—**

- (a) *any small ancillary building, works or equipment on Crown land required for operational purposes;*
- (b) *lamp standards, information kiosks, passenger shelters, shelters and seats, telephone boxes, fire alarms, drinking fountains, refuse bins or baskets, barriers for the control of people and vehicles, and similar structures or works required in connection with the operational purposes of the Crown.*

#### **Interpretation of Class A**

**A.1** The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

#### *Class B – extension or alteration of an operational Crown building*

#### **Permitted development**

**B. The extension or alteration by or on behalf of the Crown of an operational Crown building.**

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the building as extended or altered is to be used for purposes other than those of—
  - (i) the Crown; or
  - (ii) the provision of employee facilities;
- (b) the height of the building as extended or altered would exceed the height of the original building;
- (c) the cubic content of the original building would be exceeded by more than—
  - (i) 10%, in respect of development on any article 2(3) land; or
  - (ii) 25%, in any other case;
- (d) the floor space of the original building would be exceeded by more than—
  - (i) 500 square metres in respect of development on any article 2(3) land; or
  - (ii) 1,000 square metres in any other case;
- (e) the external appearance of the original building would be materially affected;
- (f) any part of the building as extended or altered would be within 5 metres of any boundary of the curtilage of the original building; or

- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles.

### **Interpretation of Class B**

**B.2** For the purposes of Class B—

- (a) the erection of any additional building within the curtilage of another building (whether by virtue of Class B or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;
- (b) where 2 or more original buildings are within the same curtilage and are used for the same operational purposes, they are to be treated as a single original building in making any measurement; and
- (c) “employee facilities” means social, care or recreational facilities provided for employees or servants of the Crown, including crèche facilities provided for the children of such employees or servants.

*Class C – developments on operational Crown land*

### **Permitted development**

**C.** *Development carried out by or on behalf of the Crown on operational Crown land for operational purposes consisting of—*

- (a) *the installation of additional or replacement plant or machinery;*
- (b) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus; or*
- (c) *the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.*

### **Development not permitted**

**C.1** Development described in Class C(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

### **Interpretation of Class C**

**C.2** In Class C, “Crown land” does not include land in or adjacent to and occupied together with a mine.

*Class D – hard surfaces for operational Crown buildings*

### **Permitted development**

**D.** *The provision by or on behalf of the Crown of a hard surface within the curtilage of an operational Crown building.*

*Class E – development on operational Crown land relating to an airbase*

**Permitted development**

**E. The carrying out on operational Crown land, by or on behalf of the Crown, of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at an airbase.**

**Development not permitted**

**E.1** Development is not permitted by Class E if it would consist of or include—

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 7th June 2006 or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an operational building; or
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

**Condition**

**E.2** Development is permitted by Class E subject to the condition that the relevant airbase operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph E.4.

**Interpretation of Class E**

**E.3** For the purposes of paragraph E.1, floor space is calculated by external measurement and without taking account of the floor space in any pier or satellite.

**E.4** Development falls within this paragraph if—

- (a) it is urgently required for the efficient running of the airbase; and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

**E.5** For the purposes of Class E, “operational building” means an operational Crown building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, military or civilian personnel, goods, military equipment, munitions and other items.

*Class F – development on operational land within an airbase*

**Permitted development**

**F. The carrying out on operational land within the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.**

*Class G – development on operational land outside an airbase*

**Permitted development**

**G. The carrying out on operational land outside but within 8 kilometres of the perimeter of an airbase, by or on behalf of the Crown, of development in connection with the provision of air traffic services.**

**Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

*Class H – development on operational land by the Crown connected with air traffic services*

**Permitted development**

**H. The carrying out on operational land, by or on behalf of the Crown, of development in connection with the provision of air traffic services.**

**Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic services;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

*Class I – emergency use of land by the Crown connected with air traffic services*

**Permitted development**

**I The use of land by or on behalf of the Crown in an emergency to station moveable apparatus replacing unserviceable apparatus in connection with the provision of air traffic services.**

**Condition**

**I.1** Development is permitted by Class I subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use ceases, and any apparatus is removed, and the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

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

*Class J – use of land etc by the Crown connected with air traffic services*

**Permitted development**

**J.** *The use of land by or on behalf of the Crown to provide services and facilities in connection with the provision of air traffic services and the erection or placing of moveable structures on the land for the purposes of that use.*

**Condition**

**J.1** Development is permitted by Class J subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, any structure is removed, and the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

*Class K – use of land by the Crown in relation to surveys etc*

**Permitted development**

**K.** *The use of land by or on behalf of the Crown for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.*

**Condition**

**K.1** Development is permitted by Class K subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use ceases, any apparatus is removed, and the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

*Class L – use of buildings by the Crown on an airbase connected to air transport services etc*

**Permitted development**

**L.** *The use of buildings by or on behalf of the Crown within the perimeter of an airbase for purposes connected with air transport services or other flying activities at that airbase.*

**Interpretation of Class L**

**L.1** For the purposes of Class L, “air transport services” has the same meaning as in section 82 of the Airports Act 1986<sup>(99)</sup>.

*Class M – development by the Crown on operational Crown land connected to rail*

**Permitted development**

**M.** *Development by or on behalf of the Crown on operational Crown land, required in connection with the movement of traffic by rail.*

**Development not permitted**

**M.1** Development is not permitted by Class M if it consists of or includes—

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(99) 1986 c. 31.

- (a) the construction of a railway;
- (b) the construction or erection of a hotel, railway station or bridge; or
- (c) the construction or erection otherwise than wholly within a railway station of an office, residential or educational building, car park, shop, restaurant, garage, petrol filling station or a building used for an industrial process.

### **Interpretation of Class M**

**M.2** For the purposes of Class M, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

*Class N – development by the Crown on operational Crown land connected to shipping etc*

### **Permitted development**

**N.** *Development by or on behalf of the Crown or its lessees on operational Crown land where the development is required—*

- (a) *for the purposes of shipping; or*
- (b) *at a dock, pier, pontoon or harbour in connection with the embarking, disembarking, loading, discharging or transport of military or civilian personnel, military equipment, munitions, or other items.*

### **Development not permitted**

**N.1** Development is not permitted by Class N if it consists of or includes the construction or erection of a bridge or other building not required in connection with the handling of traffic.

### **Interpretation of Class N**

**N.2** For the purposes of Class N, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

*Class O – use of land by the Crown for spreading of dredged material*

### **Permitted development**

**O.** *The use of any land by or on behalf of the Crown for the spreading of any dredged material resulting from a dock, pier, harbour, water transport, canal or inland navigation undertaking.*

*Class P – development by the Crown on operational Crown land etc relating to aids to shipping*

### **Permitted development**

**P.** *Development by or on behalf of the Crown on operational Crown land, or for operational purposes, consisting of—*

- (a) *the use of the land as a lighthouse, with all requisite works, roads and appurtenances;*
- (b) *the extension of, alteration, or removal of a lighthouse; or*
- (c) *the erection, placing, alteration or removal of a buoy or beacon.*

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

### **Development not permitted**

**P.1** Development is not permitted by Class P if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

### **Interpretation of Class P**

**P.2** For the purposes of Class P—

“buoy or beacon” includes all other marks and signs of the sea; and

“lighthouse” includes any floating and other light exhibited for the guidance of ships, and also any sirens and any other description of fog signals.

*Class Q – development by the Crown relating to an emergency*

### **Permitted development**

**Q.** *Development by or on behalf of the Crown on Crown land for the purposes of—*

- (a) *preventing an emergency;*
- (b) *reducing, controlling or mitigating the effects of an emergency; or*
- (c) *taking other action in connection with an emergency.*

### **Conditions**

**Q.1** Development is permitted by Class Q subject to the following conditions—

- (a) the developer must, as soon as practicable after commencing development, notify the local planning authority of that development; and
- (b) on or before the expiry of the period of 6 months beginning with the date on which the development began—
  - (i) any use of that land for a purpose of Class Q ceases and any buildings, plant, machinery, structures and erections permitted by Class Q is removed; and
  - (ii) the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer.

### **Interpretation of Class Q**

**Q.2.**—(1) For the purposes of Class Q, “emergency” means an event or situation which threatens serious damage to—

- (a) human welfare in a place in the United Kingdom;
- (b) the environment of a place in the United Kingdom; or
- (c) the security of the United Kingdom.

(2) For the purposes of sub-paragraph (1)(a), an event or situation threatens damage to human welfare only if it involves, causes or may cause—

- (a) loss of human life;
- (b) human illness or injury;
- (c) homelessness;
- (d) damage to property;



- (e) disruption of a supply of money, food, water, energy or fuel;
- (f) disruption of a system of communication;
- (g) disruption of facilities for transport; or
- (h) disruption of services relating to health.

(3) For the purposes of sub-paragraph (1)(b), an event or situation threatens damage to the environment only if it involves, causes or may cause—

- (a) contamination of land, water or air with biological, chemical or radioactive matter; or
- (b) disruption or destruction of plant life or animal life.

*Class R – erection etc of gates, fences etc by the Crown for national security purposes*

### **Permitted development**

**R.** *The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure by or on behalf of the Crown on Crown land for national security purposes.*

### **Development not permitted**

**R.1** Development is not permitted by Class R if the height of any gate, fence, wall or other means of enclosure erected or constructed would exceed 4.5 metres above ground level.

*Class S – closed circuit television cameras for national security purposes*

### **Permitted development**

**S.** *The installation, alteration or replacement by or on behalf of the Crown on Crown land of a closed circuit television camera and associated lighting for national security purposes.*

### **Development not permitted**

**S.1** Development is not permitted by Class S if—

- (a) the dimensions of the camera including its housing exceed 0.75 metres by 0.25 metres by 0.25 metres; or
- (b) the uniform level of lighting provided exceeds 10 lux measured at ground level.

### **Conditions**

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

- (a) the camera is, so far as practicable, sited so as to minimise its effect on the external appearance of any building to which it is fixed; and
- (b) the camera is removed as soon as reasonably practicable after it is no longer required for national security purposes.

### **Interpretation of Class S**

**S.3** For the purposes of Class S—

“camera”, except in paragraph S.1(a), includes its housing, pan and tilt mechanism, infra-red illuminator, receiver, mountings and brackets; and

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

“ground level” means the level of the surface of the ground immediately adjacent to the building to which the camera is attached or, where the level of the surface of the ground is not uniform, the level of the lowest part of the surface of the ground adjacent to it.

*Class T – electronic communication apparatus etc for national security purposes*

### **Permitted development**

**T. Development by or on behalf of the Crown for national security purposes in, on, over or under Crown land, consisting of—**

- (a) *the installation, alteration or replacement of any electronic communications apparatus;*
- (b) *the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use; or*
- (c) *development ancillary to radio equipment housing.*

### **Development not permitted**

**T.1** Development is not permitted by Class T(a) if—

- (a) in the case of the installation of apparatus (other than on a building) the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of apparatus already installed (other than on a building), the apparatus, excluding any antenna, would, when altered or replaced, exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (c) in the case of the installation, alteration or replacement of apparatus on a building, the height of the apparatus (taken by itself) would exceed the height of the existing apparatus or—
  - (i) 15 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height; or
  - (ii) 10 metres in any other case,
 whichever is the greater;
- (d) in the case of the installation, alteration or replacement of apparatus on a building, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than the height of the existing apparatus or—
  - (i) 10 metres, where it is installed, or is to be installed, on a building which is 30 metres or more in height;
  - (ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or
  - (iii) 6 metres in any other case,
 whichever is the greater;
- (e) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast and the apparatus supported by it would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs (a), (b), (c) and (d), and for the purposes of applying the limit specified in paragraph (c), the words “(taken by itself)” in that paragraph are disregarded;

- (f) in the case of the installation, alteration or replacement of any apparatus other than—
  - (i) a mast;
  - (ii) an antenna;
  - (iii) any apparatus which does not project above the level of the surface of the ground; or
  - (iv) radio equipment housing,the ground or base area of the structure would exceed the ground or base area of the existing structure or 1.5 square metres, whichever is the greater;
- (g) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height—
  - (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located, unless it is essential for operational purposes that the antenna is located in that position; or
  - (ii) in the case of dish antennas, the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (h) in the case of the installation, alteration or replacement of a dish antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level the size of any dish would exceed the size of the existing dish when measured in any dimension or 1.3 metres when measured in any dimension, whichever is the greater;
- (i) in the case of the installation of a mast, on a building which is less than 15 metres in height, such a mast would be within 20 metres of a highway, unless it is essential for operational purposes that the mast is installed in that position; or
- (j) in the case of the installation, alteration or replacement of radio equipment housing—
  - (i) the development is not ancillary to the use of any other electronic communications apparatus; or
  - (ii) the development would exceed 90 cubic metres or, if located on the roof of a building, the development would exceed 30 cubic metres.

**T.2** Development consisting of the installation of apparatus is not permitted by Class T(a) on article 2(3) land unless—

- (a) the land on which the apparatus is to be installed is, or forms part of, a site on which there is existing electronic communication apparatus;
- (b) the existing apparatus was installed on the site on or before the relevant day; and
- (c) the site was Crown land on the relevant day.

**T.3.—(1)** Subject to sub-paragraph (2), development is not permitted by Class T(a) if it will result in the installation of more than 1 item of apparatus (“the original apparatus”) on a site in addition to any item of apparatus already on that site on the relevant day.

(2) In addition to the original apparatus which may be installed on a site by virtue of Class T(a), for every 4 items of apparatus which existed on that site on the relevant day, 1 additional item of small apparatus may be installed.

(3) In sub-paragraph (2), “small apparatus” means—

- (a) a dish antenna, other than on a building, not exceeding 5 metres in diameter and 7 metres in height;

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

- (b) an antenna, other than a dish antenna and other than on a building, not exceeding 7 metres in height;
- (c) a hard standing or other base for any apparatus described in paragraphs (a) and (b), not exceeding 7 metres in diameter;
- (d) a dish antenna on a building, not exceeding 1.3 metres in diameter and 3 metres in height;
- (e) an antenna, other than a dish antenna, on a building, not exceeding 3 metres in height;
- (f) a mast on a building, not exceeding 3 metres in height;
- (g) equipment housing not exceeding 3 metres in height and of which the area, when measured at ground level, does not exceed 9 square metres.

### **Conditions**

**T.4.**—(1) Class T(a) and Class T(c) development is permitted subject to the condition that any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building in accordance with that permission is, so far as is practicable, sited so as to minimise its effect on the external appearance of the building.

(2) Class T(a) development consisting of the installation of any additional apparatus on article 2(3) land is permitted subject to the condition that the apparatus is installed as close as is reasonably practicable to any existing apparatus.

(3) Class T(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is, at the expiry of the relevant period, removed from the land and the land restored to its condition before the development took place.

(4) Class T development—

- (a) on article 2(3) land or land which is, or is within, a site of special scientific interest; or
- (b) on any other land and consisting of the construction, installation, alteration or replacement of a mast; or of an antenna on a building or structure (other than a mast) where the antenna (including any supporting structure) would exceed the height of the building or structure at the point where it is installed or to be installed by 4 metres or more; or of radio equipment housing with a volume in excess of 2.5 cubic metres; or of development ancillary to radio equipment housing,

is permitted subject, except in case of emergency, to the conditions set out in T.5.

**T.5.**—(1) The developer must, before commencing development, give notice of the proposed development to any person (other than the developer) who is an owner or tenant of the land to which the development relates—

- (a) by serving the appropriate notice on every such person whose name and address is known to the developer; and
- (b) where the developer has taken reasonable steps to ascertain the names and addresses of every such person, but has been unable to do so, by local advertisement.

(2) Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must, before commencing development, notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate.

### **Interpretation of Class T**

**T.6** For the purposes of Class T—

“aerodrome operator” means the person who is for the time being responsible for the management of the aerodrome;

“appropriate notice” means a notice signed and dated by or on behalf of the developer and containing—

- (a) the name of the developer;
- (b) the address or location of the proposed development;
- (c) a description of the proposed development (including its siting and appearance and the height of any mast);

“development ancillary to radio equipment housing” means the construction, installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing;

“mast” means a radio mast or a radio tower;

“owner” means any person who is the estate owner in respect of the fee simple, or who is entitled to a tenancy granted or extended for a term of years certain of which not less than 7 years remain unexpired;

“relevant day” means—

- (a) 7th June 2006; or
- (b) where apparatus is installed pursuant to planning permission granted on or after 7th June 2006, the date when that apparatus is finally installed pursuant to that permission,

whichever is later;

“relevant period” means a period which expires—

- (a) 6 months from the commencement of the construction, installation, alteration or replacement of any apparatus or structure permitted by Class T(a) or Class T(c) or from the commencement of the use permitted by Class T(b), as the case may be; or
- (b) when the need for such apparatus, structure or use ceases,

whichever occurs first; and

“tenant” means the tenant of an agricultural holding any part of which is comprised in the land to which the proposed development relates.

## **Interpretation of Part 19**

**U.** For the purposes of Part 19—

“airbase” means the aggregate of the land, buildings and works comprised in a Government aerodrome within the meaning of article 255 of the Air Navigation Order 2009<sup>(100)</sup>; and

“air traffic services” has the same meaning as in section 98 of the Transport Act 2000 (air traffic services)<sup>(101)</sup>.

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<sup>(100)</sup>S.I. 2009/3015, to which there are amendments not relevant to this Order.  
<sup>(101)</sup>2000 c. 38.