

SCHEDULE 2

Permitted development rights

PART 9

Development relating to roads

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.

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

Status: This is the original version (as it was originally made).

- (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)(**1**); and

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

(1) 1991 c. 22; which was amended by Schedule 2 to the Planning Act 2008 (c. 29).