

1981 No. 246

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**
**The Town and Country Planning (National Parks, Areas of
Outstanding Natural Beauty and Conservation Areas)
Special Development Order 1981**

<i>Made - - - -</i>	<i>19th February 1981</i>
<i>Laid before Parliament</i>	<i>27th February 1981</i>
<i>Coming into Operation</i>	<i>1st April 1981</i>

The Secretary of State for the Environment, in exercise of the powers conferred on him by section 24 of the Town and Country Planning Act 1971(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order shall apply to the following descriptions of land:—

- (a) land which, on the date when it comes into operation, is within a National Park;
- (b) land which, on the date when it comes into operation, is within an area of outstanding natural beauty designated by an order made by the Countryside Commission under section 87 of the National Parks and Access to the Countryside Act 1949(b) and confirmed by the Secretary of State;
- (c) land which, on the date when it comes into operation, is within an area designated by a local planning authority as a conservation area, under the powers conferred by section 277 of the Town and Country Planning Act 1971.

(2) This order may be cited as the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas) Special Development Order 1981 and shall come into operation on 1st April 1981.

2.—In this order, “the General Development Order” means the Town and Country Planning General Development Order 1977(c); and expressions used in this order shall have, unless the contrary intention appears, the meaning which they bear in the General Development Order.

3.—The General Development Order shall apply to the descriptions of land to which this order applies, subject to the following modifications to Schedule 1 (permitted development):—

(a) 1971 c. 78; section 24 was amended by paragraph 1 of Schedule 15 to the Local Government, Planning and Land Act 1980 (1980 c. 65).
 (b) 1949 c. 97. (c) S.I. 1977/289; the order has been amended by S.I. 1980/1946.

(a) class I.1 (the enlargement, improvement or other alteration of a dwellinghouse) shall be subject to the following limitations and provisos in place of those set out:—

“(a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or ten per cent, whichever is the greater, subject to a maximum of 115 cubic metres;

(b) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;

(c) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;

(d) no part of the building (as so enlarged, improved or altered) which lies within a distance of two metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding four metres;

(e) the area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) does not thereby exceed fifty per cent of the total area of the curtilage excluding the ground area of the original dwellinghouse:

Provided that:—

(a) the erection of a garage, stable, loosebox or coachhouse within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including calculation of cubic content);

(b) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise); and

(c) the limitation contained in subparagraph (d) above shall not apply to development consisting of:—

(i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or

(ii) any other alterations to any part of the roof of the original dwellinghouse.”;

(b) class I.3 (the erection and alteration of buildings and enclosures in the curtilage of a dwellinghouse) shall not include development consisting of the erection, construction or placing, or the maintenance, improvement or other alteration, of garages and coachhouses;

(c) in class VIII.1 (the carrying out of certain operations by industrial undertakers) the limitations on the cubic content and the aggregate floor space of buildings extended or altered pursuant to subparagraph (iv) shall be that:—

- (i) the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than ten per cent; and
- (ii) the aggregate floor space of the original building is not exceeded by more than 500 square metres.

19th February 1981.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is a special development order (made under section 24 of the Town and Country Planning Act 1971 as amended by the Local Government, Planning and Land Act 1980) applying to all land which on 1st April 1981 is within a National Park, an area of outstanding natural beauty or a conservation area. It modifies, in relation to such land, some of the provisions of Schedule 1 to the Town and Country Planning General Development Order 1977, and it comes into operation on the same day as the Town and Country Planning General Development (Amendment) Order 1981 (S.I. 1981/245), which also amends that Schedule.

The modifications which this order makes to Schedule 1 to the General Development Order relate to Classes I and VIII in that Schedule, by virtue of which permission is granted by the General Development Order for, respectively, the carrying out of certain development within the curtilage of a dwellinghouse (including the enlargement, improvement or other alteration of the dwellinghouse and the erection of garages, stables, looseboxes and coachhouses) and the carrying out of certain development for industrial purposes (including the extension or alteration of industrial buildings). The Town and Country Planning General Development (Amendment) Order 1981 amends those classes so as to permit more extensive enlargement of dwellinghouses and industrial buildings; and to provide that the erection of garages and coachhouses more than five metres away from the original dwellinghouse is no longer to be treated as the enlargement of the dwellinghouse, but is to be subject instead to the limitations applying (by virtue of paragraph 3 of Class I) to the erection of ancillary buildings in the curtilage of a dwellinghouse. That order provides that the limitation on increases in the cubic content of a dwellinghouse shall be raised (except in the case of a terrace house) from 50 cubic metres or one-tenth of the cubic content of the original dwellinghouse (whichever is the greater) to 70 cubic metres or fifteen per cent (whichever is the greater); and the limitations on the extension of the cubic content of industrial buildings and the extension of the floorspace of such buildings shall be raised from one tenth to twenty per cent and from 500 square metres to 750 square metres respectively. Article 3 of this order provides, however, that the former limitations are to be retained in respect of development carried out under Class I or Class VIII on land to which the order applies. It is also provided that the erection of a garage or coachhouse within the curtilage of a dwellinghouse on such land shall continue to be treated as the enlargement of the dwellinghouse. Other amendments which are made to Classes I and VIII of Schedule 1 to the General Development Order of 1977 by the amending General Development Order (namely a restriction on the height of any extension of a dwellinghouse which is carried out within a distance of two metres from the boundary of the curtilage of the dwellinghouse, a limitation on the proportion of the curtilage of the dwellinghouse which may be covered by buildings and the addition to Class VIII of a limitation to prevent the alteration or extension of an industrial building within five metres of the perimeter of the premises) do, however, apply to development of land to which this order relates.

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