
STATUTORY INSTRUMENTS

1995 No. 298

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

**The Town and Country Planning General
Development (Amendment) Order 1995**

<i>Made</i>	- - - -	<i>9th February 1995</i>
<i>Laid before Parliament</i>		<i>16th February 1995</i>
<i>Coming into force</i>	- -	<i>9th March 1995</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 60, 61(1) and 333(7) of the Town and Country Planning Act 1990(1), and all other powers enabling them in that behalf, hereby make the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1995 and shall come into force on 9th March 1995.

(2) In this Order “the 1988 Order” means the Town and Country Planning General Development Order 1988(2).

Habitats

2. In article 3(1) of the 1988 Order (permitted development), after “Subject to the provisions of this order” insert “and regulations 60 to 63 of the Conservation (Natural Habitats, &c.) Regulations 1994(3)”.

Flats above shops etc.

3.—(1) In article 1(2) of the 1988 Order (interpretation), in the definition of “flat”, after “constructed” insert “or adapted”.

(2) At the end of Part 3 of Schedule 2 to the 1988 Order (changes of use), insert—

(1) 1990 c. 8.

(2) S.I. 1988/1813; relevant amending instruments are S.I. 1991/1536, 1991/2805, 1992/609, 1992/1280.

(3) S.I. 1994/2716.

“Class F Permitted development

F. Development consisting of a change of the use of a building—

- (a) **to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A1 of that Schedule;**
- (b) **to a mixed use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 of that Schedule;**
- (c) **where that building has a display window at ground floor level, to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 (financial and professional services) of that Schedule.**

Condition

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

- (a) some or all of the parts of the building used for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order shall be situated on a floor below the part of the building used as a single 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 shall not be used in whole or in part as the single flat;
- (c) the single flat shall 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 six residents living together as a single household (including a household where care is provided for residents).

Interpretation of Class F

F.2. For the purposes of Class F—

“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 G

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

- (a) **to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A1 of that Schedule and as a single flat;**
- (b) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 of that Schedule and as a single flat;
- (c) **where that building has a display window at ground floor level, to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as a single flat.**

Development not permitted

G.1. Development is not permitted by Class G unless the part of the building used as a single flat was immediately prior to being so used used for any purpose within Class A1 or Class A2 of the Schedule to the Use Classes Order.”.

Special industrial uses

4. In paragraph D.1 of Part 6 of Schedule 2 to the 1988 Order (agricultural buildings and operations), in the definition of “protected building”, omit paragraph (ii).

Schools, colleges, universities and hospitals

5. After Part 31 of Schedule 2 to the 1988 Order (demolition of buildings), insert—

“PART 32

SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

Class A Permitted development

A. The erection on the site of any school, college, university or hospital of any building required for use as part of, or for a purpose incidental to the use of, the school, college, university or hospital as such, as the case may be.

Development not permitted

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

- (a) unless—
 - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the site is for the provision of education; or
 - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the site is for the provision of any medical or health services;
- (b) where the cumulative total floor space of any buildings erected on a particular site (other than the original school, college, university or hospital buildings) would exceed 10% of the total floor space of the original school, college, university or hospital buildings on that site;
- (c) where the cumulative total cubic content of buildings erected on a particular site (other than the original school, college, university or hospital buildings) would exceed 250 cubic metres;
- (d) where any part of a building erected would be within 20 metres of the boundary of the site;
- (e) where, as a result of the development, any land used as a playing field immediately before the development took place could no longer be so used.

Condition

A.2. Development is permitted by Class A subject to the condition that, in the case of any article 1(5) land, any materials used shall be of a similar appearance to those used for the original school, college, university or hospital buildings.

Interpretation of Class A

A.3. For the purposes of Class A—

“cumulative total floor space” or “cumulative total cubic content”, as the case may be, of buildings erected, includes the total floor space or total cubic content of any existing buildings, previously erected at any time under Class A; and

“original school, college, university or hospital buildings” means any school, college, university or hospital buildings, as the case may be, other than any buildings erected at any time under Class A.”.

Signed by authority of the Secretary of State for the Environment

8th February 1995

Ullswater
Minister of State,
Department of the Environment

9th February 1995

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning General Development Order 1988 (“the 1988 Order”).

Article 2 amends article 3(1) of the 1988 Order (permitted development) so as to provide that permitted development is subject to the provisions of regulations 60 to 63 of the Conservation (Natural Habitats, &c.) Regulations 1994 which implement Council Directive [92/43/EEC](#) on the conservation of natural habitats and of wild fauna and flora (O.J. No. L206, 22.7.92, p.7).

Article 3 inserts new Classes F and G of Part 3 of Schedule 2 to the 1988 Order (changes of use). These permit a change of use of a building from Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 to a mixed use for the purposes of either Class A1 or Class A2 of that Schedule and as a single flat, and from such a mixed use to Class A1 or Class A2 use. A change of use of a building from Class A2 to Class A1 (except where premises have a display window at ground floor level), or from Class A1 to Class A2, is not permitted.

Article 4 amends the definition of “protected building” in Part 6 of Schedule 2 to the 1988 Order (agricultural buildings and operations) to exclude reference to buildings used for special industrial uses. Classes B3 to B7 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (special industrial groups A to E) have been omitted from that Order. (Classes B4 to B7 are omitted by virtue of the Town and Country Planning (Use Classes) (Amendment) Order 1995 (S.I. [1995/297](#)) with effect from 9th March 1995).

Article 5 inserts Part 32 of Schedule 2 to the 1988 Order. This provides permitted development rights for the erection of certain buildings on the site of any school, college, university or hospital.