
STATUTORY INSTRUMENTS

2015 No. 596

The Town and Country Planning (General Permitted Development) (England) Order 2015

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (England) Order 2015 and comes into force on 15th April 2015.

(2) This Order applies to all land in England, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order applies to that land only to such extent and subject to such modifications as may be specified in the special development order.

(3) Nothing in this Order applies to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).

Interpretation

2.—(1) In this Order—

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960(1);

“the Act” means the Town and Country Planning Act 1990;

“adjoining owner or occupier” means any owner or occupier of any premises or land adjoining the site;

“aerodrome” means an aerodrome as defined in article 255 of the Air Navigation Order 2009 (interpretation)(2) which is—

- (a) licensed under that Order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

(1) 1960 c. 62; which was amended by the Town and Country Planning Act 1962 (c. 38), Local Government Act 1963 (c. 33), Courts Act 1971 (c. 23), Local Government Act 1972 (c. 70), Local Government Act 1974 (c. 7), Statute Law (Repeals) Act 1974 (c. 22), Greater London Council (General Powers) Act 1976 (c. 26), Local Government, Planning and Land Act 1980 (c. 65), Acquisition of Land Act 1981 (c. 67), Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Criminal Justice Act 1982 (c. 48), Planning (Consequential Provisions) Act 1990 (c. 11), Statute Law (Repeals) Act 1993 (c. 50), Criminal Justice and Public Order Act 1994 (c. 33), Environment Act 1995 (c. 25), Courts Act 2003 (c. 39), Fire and Rescue Services Act 2004 (c. 21), Mobile Homes Act 2013 (c. 14), and S.I. 1975/1636 and 2005/1541. There are other amendments not relevant to this Order.

(2) S.I. 2009/3015, to which there are amendments not relevant to this Order.

and, for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in article 255 of that Order;

“aqueduct” does not include an underground conduit;

“area of outstanding natural beauty” means an area designated as such by an order made by Natural England under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas)(3) as confirmed by the Secretary of State;

“building”—

- (a) includes any structure or erection and, except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building; and
- (b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;

“caravan” has the same meaning as for the purposes of Part 1 of the 1960 Act (caravan sites)(4);

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“classified road” means a highway or proposed highway which—

- (a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)(5); or
- (b) is classified by the Secretary of State for the purposes of any enactment by virtue of section 12(3) of that Act;

“cubic content” means the cubic content of a structure or building measured externally;

“dwellinghouse”, except in Part 3 of Schedule 2 to this Order (changes of use), does not include a building containing one or more flats, or a flat contained within such a building;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(6);

“erection”, in relation to buildings, includes extension, alteration, or re-erection;

“existing”, in relation to any building or any plant or machinery or any use, means (except in the definition of “original”) existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

“flat”, except in the expression “flat roof”, means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“Flood Zone 1”, “Flood Zone 2” and “Flood Zone 3” have the meaning given in Schedule 4 to the Procedure Order;

“floor space” means the total floor space in a building or buildings;

“industrial process” means a process for or incidental to any of the following purposes—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(3) 2000 c. 37. Section 82 was amended by Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16). There is another amendment not relevant to this Order.

(4) See in particular section 29, to which there are amendments not relevant to this Order.

(5) 1980 c. 66.

(6) 2000 c. 7. Section 15 was amended by Schedule 17 to the Communications Act 2003 (c. 21).

- (c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

“land drainage” has the same meaning as in section 116 of the Land Drainage Act 1976 (interpretation)(7);

“listed building” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)(8);

“local advertisement” means publication of the notice in at least one newspaper circulating in the locality in which—

- (a) in the case of a direction, the area or, as the case may be, the whole or relevant part of the conservation area to which the direction relates is situated; and

- (b) in any other case, the land to which the proposed development relates is situated;

“machinery” includes any structure or erection in the nature of machinery;

“microwave” means that part of the radio spectrum above 1,000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 33(1) of the Procedure Order (or any previous powers to the like effect)(9);

“mine” means any site on which mining operations are carried out;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“network” and “operator”, for the purposes of Part 3 and 4 of Schedule 2, have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services)(10);

“notifiable pipe-line” means a major accident hazard pipeline (as described in regulation 18 of the Pipelines Safety Regulations 1996(11)) but does not include a pipeline the construction of which has been authorised under section 1 of the Pipe-lines Act 1962(12);

“operational Crown building” means a building which is operational Crown land;

“operational Crown land” means—

- (a) Crown land(13) which is used for operational purposes; and

- (b) Crown land which is held for those purposes,

but does not include—

- (i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(7) 1976 c. 70, to which there are amendments not relevant to this Order.

(8) 1990 c. 9. Section 1 was amended by Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).

(9) See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(10) 1993 c. 43; see in particular sections 6 and 83. Relevant amendments to section 6 were made by S.I. 1998/1340 and 2005/3050.

(11) S.I. 1996/825.

(12) 1962 c. 58. Section 1 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), Schedule 2 to the Planning Act 2008 (c. 29) and S.I. 1999/742 and 2007/1519.

(13) See section 293 of the Act for the definition of Crown land.

- (ii) Crown land—
 - (aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;
 - (bb) in which there is an interest belonging to Her Majesty in right of Her private estates;
 - (cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or
 - (dd) belonging to the Duchy of Cornwall;

“operational purposes” means the purposes of carrying on the functions of the Crown or of either House of Parliament;

“original” means—

- (a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;
- (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;
- (c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and
- (d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;

“plant” includes any structure or erection in the nature of plant;

“private way” means a highway not maintainable at the public expense and any other way other than a highway;

“Procedure Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2015(14);

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)(15);

“public service vehicle” means—

- (a) a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981 (definition of public service vehicles)(16), or
- (b) a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988 (general interpretation)(17);

“safety hazard area” means an area notified to the local planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 4 to the Procedure Order (or any previous powers to the like effect); or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph (f) of that Table;

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)(18);

(14) S.I. 2015/595.

(15) There are amendments to section 329 not relevant to this Order.

(16) 1981 c. 14. Section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).

(17) 1988 c. 52. The definition of “trolley vehicle” was amended by Schedule 4 to the Road Traffic Act 1991 (c. 40).

(18) 1979 c. 46. Section 1 was amended by Schedule 4 to the National Heritage Act 1983 (c. 47), and modified by section 70 of, and Schedule 9 to, the Environment Act 1995 (c. 25).

“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;

“site of archaeological interest” means land which—

- (a) is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);
- (b) is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance)(**19**), or
- (c) is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record;

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest, notification of additional land and enlargement of SSSI)(**20**) applies;

“statutory undertaker” includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers)(**21**)—

- (a) a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011(**22**)) in connection with the provision of a universal postal service (within the meaning of that Part)(**23**);
- (b) the Civil Aviation Authority;
- (c) a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000(**24**) (air traffic services);
- (d) the Environment Agency(**25**);
- (e) any water undertaker;
- (f) any gas transporter; and
- (g) any licence holder under section 6 of the Electricity Act 1989(**26**);

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

“trunk road” means a highway or proposed highway which is a trunk road by virtue of section 10(1) or 19 of the Highways Act 1980 (general provision as to trunk roads, and certain special roads and other highways to become trunk roads)(**27**) or any other enactment or any instrument made under any enactment;

(19) 1979 c. 46. Section 33 was amended by Schedule 4 to the National Heritage Act 1983 (c. 47) and Schedule 2 to the Local Government Act 1985 (c. 51), and modified by section 70 of, and Schedule 9 to, the Environment Act 1995 (c. 25).

(20) 1981 c. 69. Section 28 was substituted, and sections 28B and 28C were inserted, by Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37). Sections 28(1), 28B(1) and 28C(1) are amended by Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), and section 28(1) was further amended by Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23).

(21) Section 262 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 and 2013/755, and modified by sections 31 and 76 of the Utilities Act 2000 (c. 27).

(22) 2011 c. 5. See in particular sections 35 and 65 of the Act.

(23) See in particular sections 30 to 33 and 65 of the Postal Services Act 2011.

(24) 2000 c. 38.

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

(26) 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000, and amended by sections 89, 136, 143, 145 and 197 of, and Schedule 23 to, the Energy Act 2004 (c. 20), Schedule 8 to the Climate Change Act 2008 (c. 27), Schedule 1 to the Energy Act 2011 (c. 16) and S.I. 2011/2704 and 2012/2400.

(27) 1980 c. 66; section 10 was amended by section 22 of the New Roads and Street Works Act 1991 (c. 22) and Schedule 2 to the Planning Act 2008 (c. 29); section 19 was amended by section 21 of the New Roads and Street Works Act 1991.

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987(28); and

“World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972(29).

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery 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.

(3) The land referred to elsewhere in this Order as article 2(3) land is the land described in Part 1 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc).

(4) The land referred to elsewhere in this Order as article 2(4) land is the land described in Part 2 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

(5) The land referred to elsewhere in this Order as article 2(5) land is the land described in Part 3 of Schedule 1 to this Order (exempt commercial areas).

(6) Paragraphs (7) to (11) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order or in any Schedule to this Order to give or send any statement, notice or other document to any other person (“the recipient”).

(7) The requirement referred to in paragraph (6) is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(8) In paragraph (7), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(9) Where the electronic communication is received by the recipient outside the recipient’s business hours, it is taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971(30).

(10) A requirement in this Order or in any Schedule to this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (7), and “written” and related expressions are to be construed accordingly.

(11) References in this Order or in any Schedule to this Order to plans, drawings, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(12) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or its precincts is vested is treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.

(28) S.I. 1987/764, relevant amendments are made by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293, 2005/84, 2006/220, 2006/1282, 2010/653, 2010/675, 2011/988 and 2015/597.

(29) See <http://whc.unesco.org/en/list>

(30) 1971 c. 80.

Permitted development

3.—(1) Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders)(**31**), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(7) Any development falling within Class A of Part 18 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval is not to be treated for the purposes of this Order as authorised unless and until that consent or approval is obtained, except where the Act was passed or the order made after 1st July 1948 and it contains provision to the contrary.

(8) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a gas transporter in accordance with Class A of Part 15 of that Schedule.

(9) Except as provided in Classes B and C of Part 11, Schedule 2 does not permit any development which requires or involves the demolition of a building, but in this paragraph “building” does not include part of a building.

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(**32**) (“the EIA Regulations”) is not permitted by this Order unless—

(a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development(**33**);

(b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or

(c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations.

(11) Where—

(a) the local planning authority has adopted a screening opinion under regulation 5 of the EIA Regulations that development is EIA development and the Secretary of State has

(31) S.I. 2010/490.

(32) S.I. 2011/1824, was amended by S.I. 2012/637, 2013/2140 and 2013/2879. See regulation 2 for the definition of Schedule 1 development and Schedule 2 development.

(33) See regulation 2 of S.I. 2011/1824 for the definition of “EIA development”.

in relation to that development neither made a screening direction to the contrary under regulation 4(8) or 6(4) of those Regulations nor directed under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations; or

(b) the Secretary of State has directed that development is EIA development, that development is treated, for the purposes of paragraph (10), as development which is not permitted by this Order.

(12) Paragraph (10) does not apply to—

- (a) development which consists of the carrying out by a drainage body, within the meaning of the Land Drainage Act 1991⁽³⁴⁾, of improvement works within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999⁽³⁵⁾;
- (b) development for which permission is granted by Class E of Part 6, Class K of Part 7, Class B of Part 12, Class A(a) of Part 15, Class D, E or I of Part 17 or Class A of Part 18 of Schedule 2;
- (c) development for which permission is granted by Class F, H or K of Part 17 of Schedule 2 where the land in, on or under which the development is to be carried out is—
 - (i) in the case of Class F of Part 17, on the same authorised site,
 - (ii) in the case of Class H of Part 17, on the same premises or, as the case may be, the same ancillary mining land,
 - (iii) in the case of Class K of Part 17, on the same land or, as the case may be, on land adjoining that land,
 as that in, on or under which development of any description permitted by the same Class has been carried out before 14th March 1999;
- (d) the completion of any development begun before 14th March 1999;
- (e) development for which permission is granted by Class B of Part 9 of Schedule 2.

(13) Where a person uses electronic communications for making any application required to be made under any of Part of Schedule 2, that person is taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and
- (c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

Directions restricting permitted development

4.—(1) If the Secretary of State or the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than Class K or M of Part 17, should not be carried out unless permission is granted for it on an application, the Secretary of State or (as the case may be) the local planning authority, may make a direction under this paragraph that the permission granted by article 3 does not apply to—

⁽³⁴⁾ 1991 c. 59. See section 72 for the definition of “drainage body”, was amended by Schedule 22 to the Environment Act 1995 (c. 25); there is another amendment which is not relevant to this Order.

⁽³⁵⁾ S.I. 1999/1783. See regulation 2 for the definition of “improvement works”; the definition was amended by S.I. 2005/1399. There are other amendments not relevant to this Order.

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction,

and the direction must specify that it is made under this paragraph.

(2) A direction under paragraph (1) does not affect the carrying out of—

- (a) development permitted by any Class in Schedule 2 which is expressed to be subject to prior approval where, in relation to that development, the prior approval date occurs before the date on which the direction comes into force and the development is completed within a period of 3 years starting with the prior approval date;
- (b) development permitted by Class B of Part 9 of Schedule 2;
- (c) development mentioned in Class A of Part 16 of Schedule 2, unless the direction specifically so provides;
- (d) development permitted by Class A of Part 18 of Schedule 2 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;
- (e) development permitted by Class Q, R, S or T of Part 19 of Schedule 2;
- (f) development permitted under Schedule 2 in an emergency.

(3) A direction made or having effect as if made under this article does not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
- (f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome; or
- (g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class F of Part 8 of Schedule 2).

(4) The procedures which must be followed in making, modifying or cancelling any direction made under article 4(1) are set out in Schedule 3.

(5) In this article and in Schedule 3—

“local planning authority” means the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate; and

“prior approval date” means the date on which—

- (a) prior approval is given;

- (b) a determination that such approval is not required is given, or
- (c) any period for giving such a determination has expired without the applicant being notified whether prior approval is required, given or refused.

Directions restricting certain minerals permitted development

5.—(1) If, on receipt of a notification from any person proposing to carry out development within Class K or M of Part 17 of Schedule 2, a mineral planning authority⁽³⁶⁾ are satisfied as mentioned in paragraph (2), they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 does not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

- (a) the land on which the development is to be carried out is within—
 - (i) a National Park;
 - (ii) an area of outstanding natural beauty;
 - (iii) a site of archaeological interest, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984 (exempt operations)⁽³⁷⁾;
 - (iv) a site of special scientific interest; or
 - (v) the Broads;
- (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given under the provisions of Class K or M of Part 17 of Schedule 2 would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a Grade I listed building;
- (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
- (d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this article must contain a statement as to the day on which (if it is not disallowed under paragraph (5)) it comes into force, which must be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4).

(4) As soon as is reasonably practicable a copy of a direction under this article must be sent by the mineral planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning with the date on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State disallowing the direction, the mineral planning authority must give notice in writing, to the person who gave notice of the proposal, stating that the person is authorised to proceed with the development.

⁽³⁶⁾ See section 1(4) of the Act.

⁽³⁷⁾ S.I. 1984/1286.

Directions: general

6. Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

Prior approval applications: time periods for decision

7. Where, in relation to development permitted by any Class in Schedule 2 which is expressed to be subject to prior approval, an application has been made to a local planning authority for such approval or a determination as to whether such approval is required, the decision in relation to the application must be made by the authority—

- (a) within the period specified in the relevant provision of Schedule 2,
- (b) where no period is specified, within a period of 8 weeks beginning with the day immediately following that on which the application is received by the authority, or
- (c) within such longer period as may be agreed by the applicant and the authority in writing.

Revocations and saving

8.—(1) Subject to paragraph (2), the statutory instruments specified in Schedule 4 are revoked insofar as they apply to England.

(2) For the purposes only of development specified in article 6(2) of the Amending Order, the Town and Country Planning (General Permitted Development) Order 1995, in the form in which it existed immediately before the coming into force of the Amending Order, continues to apply in relation to that development.

(3) The saving provision in paragraph (2) ceases to have effect at the end of the 3 year period beginning with the day on which this Order comes into force.

(4) In this article, “the Amending Order” means the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015(38).

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

Brandon Lewis
Minister of State
Department for Communities and Local
Government

18th March 2015