

## SCHEDULE 2

### Permitted development rights

## 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)(1),*

*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—

- (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

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(1) 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.

*Status: This is the original version (as it was originally made).*

- (c) in any other case, the district planning authority<sup>(2)</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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(2) 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.