

## SCHEDULE 2

### Permitted development rights

## PART 4

### Temporary buildings and uses

#### *Class E – temporary use of buildings or land for film-making purposes*

#### **Permitted development**

##### **E. Development consisting of—**

- (a) *the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and*
- (b) *the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.*

#### **Development not permitted**

##### **E.1** Development is not permitted by Class E if—

- (a) the land in question, or the land on which the building in question is situated, is more than 1.5 hectares;
- (b) the use of the land is for overnight accommodation;
- (c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land;
- (d) the land or building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—
  - (i) a site of special scientific interest;
  - (ii) a safety hazard area; or
  - (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

#### **Conditions**

##### **E.2.—**(1) Class E development is permitted subject to the condition that—

- (a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and
- (b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.

(2) Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

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- (a) the schedule of dates which make up the filming period in question and the hours of operation,
- (b) transport and highways impacts of the development,
- (c) noise impacts of the development,
- (d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
- (e) flooding risks on the site,

and the provisions of paragraph E.3 apply in relation to that application.

### **Procedure for applications for prior approval under Class E**

**E.3.**—(1) The following provisions apply where under Class E a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

- (a) a written description of the proposed development;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer’s contact address;
- (d) the developer’s email address if the developer is content to receive communications electronically; and
- (e) a site-specific flood risk assessment,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class E as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) On receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) On receipt of the application, the local planning authority must consult the Environment Agency<sup>(1)</sup> where the development is—

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

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
  - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
- (7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).
- (8) The local planning authority must give notice of the proposed development—
- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
    - (i) describes the proposed development;
    - (ii) provides the address of the proposed development;
    - (iii) specifies the date by which representations are to be received by the local planning authority; or
  - (b) by serving a notice in that form on any adjoining owner or occupier.
- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
- (a) assessments of impacts or risks; or
  - (b) statements setting out how impacts or risks are to be mitigated.
- (10) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); and
  - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012<sup>(2)</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (11) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
  - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (12) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
  - (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),
- unless the local planning authority and the developer agree otherwise in writing.
- (13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

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(2) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

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## **Interpretation of Class E**

**E.4** For the purposes of Class E—

“broadcast or transmission” means—

- (a) broadcast of the film or television programme by—
  - (i) a television programme provider, or
  - (ii) any other person for commercial gain,
- (b) transmission of it, including over the internet, by—
  - (i) a television programme provider, or
  - (ii) any other person for commercial gain, or
- (c) theatrical release of it at the commercial cinema;

“commercial film-making” means filming for broadcast or transmission but does not include the filming of persons paying to visit the site to participate in any leisure activity on that site including—

- (a) motor car and motorcycle racing including trials of speed or other motor sports, and practising for those activities, or
- (b) clay pigeon shooting or any war game;

“filming period” means a period, not exceeding 9 months in total, during which the land or building is used for commercial film-making (including activities preparatory to, or otherwise related to, that film-making) under Class E; and

“television programme provider” has the meaning given in section 99(2) of the Broadcasting Act 1996<sup>(3)</sup>.

## **Interpretation of Part 4**

**F.** For the purposes of Part 4—

“site” means the building and any land within its curtilage; and

“war game” means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

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(3) 1996 c. 55. There are amendments to section 99 which are not relevant to this Order.