
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”) ([S.I. 2015/596](#)).

Regulation 3 amends the definitions of “dwellinghouse” and “flat” in article 2 of the 2015 Order.

Regulation 4 provides that an applicant and authority can agree to a longer period for determination of prior approval applications whether such applications are subject to a time period specified in Schedule 2 of the 2015 Order, or applications are subject to a time period of 8 weeks.

Regulation 5 provides that developments permitted by Class A of Part 1 of Schedule 2 to the 2015 Order are subject to a prior approval fee. The level of fee is set out in regulation 14(1)(zab) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 ([S.I. 2012/2920](#)). This regulation also introduces a new limitation that this right cannot be used by a dwellinghouse built under the new Part 20 to Schedule 2 to the 2015 Order introduced by regulation 22 of these Regulations.

Regulation 6 amends Class B of Part 1 of Schedule 2 to the 2015 Order to elucidate what is not considered to be enlargement and the meaning of a “rear or side extension” for the purposes of interpreting development permitted by Class B. This regulation also introduces a new limitation that this right cannot be used by a dwellinghouse built under the new Part 20 to Schedule 2 to the 2015 Order introduced by regulation 22 of these Regulations.

Regulations 7 to 12 amend Class C, D, E, F, G and H of Part 1 of Schedule 2 to the 2015 Order to introduce a new limitation that these rights cannot be used by a dwellinghouse built under the new Part 20 to Schedule 2 to the 2015 Order introduced by regulation 22 of these Regulations.

Regulation 13 amends Class M of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from retail, hot food takeaway or specified sui generis uses to a dwellinghouse.

Regulation 14 amends Class N of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from specified sui generis uses to a dwellinghouse.

Regulation 15 amends Class O of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from office to dwellinghouse.

Regulation 16 amends Class PA of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from light industrial use to dwellinghouse.

Regulation 17 amends Class Q of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval, that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from agricultural building to dwellinghouse.

Regulation 18 amends paragraph W of Part 3 of Schedule 2 to the 2015 Order to add to the prior approval procedure relating to development under Classes M, N, O, PA and Q that applicants must submit floor plans indicating dimensions and proposed use of each room, the position and dimension

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of windows, doors and walls, and elevations of the proposed dwellinghouses. Regulation 12 also adds to the prior approval procedure for development to which an application for prior approval relates to natural light, that the local planning authority must refuse prior approval if adequate natural light is not provided in all habitable rooms in the proposed development.

Regulation 19 amends paragraph X of Part 3 of Schedule 2 to the 2015 Order to insert a definition of “habitable rooms” for the purposes of interpreting development permitted by Part 3.

Regulation 20 inserts a time limited right, Class BA (additional temporary use of land during the relevant period) of Part 4 of Schedule 2 to the 2015 Order, to provide between 1st July 2020 and 31st December 2020 an additional period of 28 days for a temporary use of land or an additional 14 days for the holding of a market or motor car and motorcycle racing including trials of speed, and practising for these activities.

Regulation 21 inserts a time limited right that will cease to have effect on 23rd March 2021, Class BA (the holding of a market by or on behalf of a local authority) into Part 12 of Schedule 2 to the 2015 Order to introduce a new permitted development right allowing for the holding of a market by or on behalf of a local authority during the relevant period from the coming into force of this Regulation until 23rd March 2021.

Regulation 22 inserts Part 20 into Schedule 2 to the 2015 Order to introduce a new permitted development right, Class A allowing for the construction of additional dwellinghouses. The new permitted development right allows work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new permitted development right contains limitations and conditions on how it will operate. The date, 1st July 1948, referred to in the new rights reflects the date when the Town and Country Planning Act 1947 came into force granting planning title to all pre-existing buildings and uses. The date, 5th March 2018 referred to in the new right reflects the date of the Secretary of State’s oral statement when it was announced that the government would consult on the right to build upwards. A copy of the oral statement can be found here: <https://hansard.parliament.uk/commons/2018-03-05/debates/A38CAC61-3011-45DC-B70C-EE85EA12C914/NationalPlanningPolicyFramework>.

Regulation 24 of Part 3 of these Regulations amends the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783) by re-inserting the definitions of “electronic communications apparatus”, “electronic communications service” and “telephone kiosk” into the interpretation paragraph of Part 2 of Schedule 3.

Regulation 26 of Part 4 of these Regulations amends the Town and Country Planning (Compensation) (England) Regulations 2015 (S.I. 2015/598) (“the Compensation Regulations”) by the addition of Part 20 of Schedule 2 to the 2015 Order into the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the Compensation Regulations. The effect of this regulation is that if a local planning authority withdraws the new permitted development right by issuing a direction under article 4 of the 2015 Order, compensation is only payable in respect of planning applications made within 12 months beginning on the date that the direction took effect. The Compensation Regulations also allow local planning authorities to avoid compensation liability on withdrawal of the new permitted development right by publicising their intention to make an article 4 direction at least 1 year, and not more than 2 years, ahead of the article 4 direction taking effect.

Regulation 27 of Part 5 of these Regulations makes transitional and savings provisions.

A copy of the Secretary of State’s directions on protected views may be viewed online at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/london-view-management> or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the National Planning Policy Framework may be viewed online at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> or a copy may be inspected at the

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Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 may be viewed online at <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002> or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the Contaminated Land Statutory Guidance may be viewed online at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector will be published at www.legislation.gov.uk or copies may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street London, SW1P 4DF.