

SCHEDULE

Article 13

Transitional and saving provision

Interpretation of the Schedule

1. In this Schedule—

“prior approval application” has the same meaning as in section 69A(2) of the Town and Country Planning Act 1990⁽¹⁾;

“the GPDO” means the Town and Country Planning (General Permitted Development) (England) Order 2015;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987⁽²⁾.

Transitional provision for change in use which no longer constitutes development

2. Where a change of use of a building or land—

(a) was permitted—

(i) under a provision of Schedule 2 to the GPDO as the provision had effect immediately before 1st August 2021⁽³⁾, and

(ii) subject to a condition that the developer make a prior approval application, and

(b) on or after 1st August 2021, no longer constitutes development because the change is between uses specified in Class E of Schedule 2 to the Use Classes Order,

the change of use may proceed notwithstanding any undetermined prior approval application or related appeal proceedings.

Transitional provision for development no longer subject to a condition

3. Where development—

(a) was permitted—

(i) under a provision of Schedule 2 to the GPDO as the provision had effect immediately before 1st August 2021, and

(ii) subject to a condition (“the previous condition”), and

(b) is permitted—

(i) under a provision of that Schedule as the provision has effect on or after 1st August 2021 (“the new provision”), and

(ii) without being subject to a condition that is the same, or substantially the same, as the previous condition,

the development may proceed notwithstanding any non-compliance with the previous condition (but the development must comply with any other condition imposed by the new provision).

(1) Section 69A was inserted by section 17 of the Neighbourhood Planning Act 2017 (c. 20).

(2) S.I. 1987/764 as amended by S.I.s 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293, 2005/84, 2002/1875, 2006/220, 2006/1282, 2006/1386, 2010/653, 2010/675, 2011/988, 2015/597, 2016/28, 2016/1154, 2020/757, 2020/895 and 2021/428.

(3) By virtue of regulation 3(2) of S.I. 2020/757, any references in the GPDO to the uses or use classes specified in the Schedule to the Use Classes Order immediately before 1st August 2021 are to be read as if those references were to the use or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020.

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Transitional provision for development subject to a new condition

4. Where development—

- (a) was permitted under a provision of Schedule 2 to the GPDO as the provision had effect immediately before 1st August 2021 (“the previous provision”), and
- (b) is permitted—
 - (i) under a provision of that Schedule as the provision has effect on or after 1st August 2021, and
 - (ii) subject to a condition (“the new condition”) which is not the same, or substantially the same, as a condition which applied under the previous provision, and
- (c) began, or in respect of which a prior approval application was made, before 1st August 2021,

the development may proceed irrespective of whether the new condition has been complied with (but the development must comply with any other condition imposed by the previous provision).

Transitional and saving provision for development which is no longer permitted

5.—(1) This paragraph applies to development (“protected development”) which—

- (a) was permitted under a provision of Schedule 2 to the GPDO as the provision had effect immediately before 1st August 2021 (“the previous permission”),
- (b) is not permitted under any provision of that Schedule as it has effect on or after 1st August 2021, and
- (c) relates to land or a building which, immediately before 1st August 2021, was used for a purpose which made the land or building eligible for the previous permission.

(2) The GPDO has effect in relation to protected development—

- (a) until the end of 31st July 2022 as if the amendments made by this Order had not been made, and
- (b) after 31st July 2022 and in relation to—
 - (i) determining any prior approval application made in respect of protected development on or before 31st July 2022;
 - (ii) determining appeal proceedings related to such an application;
 - (iii) completing protected development which began, or in respect of which a prior approval application was made, on or before 31st July 2022,as if the amendments made by this Order had not been made.

(3) Where the GPDO has effect in accordance with sub-paragraph (2), a reference in the GPDO to a use or use class specified in the Use Classes Order is a reference to that Order as it had effect on 30th August 2020.

(4) Where protected development—

- (a) consists of a change of use of a building under paragraph I(a) of Class I (industrial and general business conversions) of Part 3 to Schedule 2 to the GPDO as that Class had effect immediately before 1st August 2021, and
- (b) results in the building being used for a purpose within sub-paragraph (g) (business uses) of Class E (commercial, business and service) of Schedule 2 to the Use Classes Order,

the building must not, in the absence of further planning permission, be used for any other purpose within Class E.

(5) Where protected development—

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- (a) consists of a change of use of a building under Class S (agricultural buildings to state-funded school or registered nursery) or T (business, hotels etc to state-funded schools or registered nursery) of Part 3 to Schedule 2 to the GPDO as those Classes had effect immediately before 1st August 2021, and
- (b) results in the building being used for a purpose within sub-paragraph (f) (registered nurseries etc) of Class E of Schedule 2 to the Use Classes Order,

the building must not, in the absence of further planning permission, be used for any other purpose within Class E (including another purpose within Class E(f)).