
STATUTORY INSTRUMENTS

2022 No. 278

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022

Amendments to paragraph A.2 (conditions)

4.—(1) Paragraph A.2 is amended as follows.

(2) In sub-paragraph (1)—

(a) for paragraph (a) substitute—

“(a) the siting and appearance of any—

(i) mast;

(ii) electronic communications apparatus installed, altered or replaced on a mast;

(iii) antenna or supporting apparatus;

(iv) radio equipment housing; or

(v) development ancillary to radio equipment housing,

constructed, installed, altered or replaced on a building (other than a building which is a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable;”;

(b) for paragraph (b) substitute—

“(b) the siting and appearance of any—

(i) mast;

(ii) electronic communications apparatus installed, altered or replaced on a mast;

(iii) antenna or supporting apparatus;

(iv) radio equipment housing; or

(v) development ancillary to radio equipment housing,

which has been constructed, installed, altered or replaced in a manner which does not require prior approval under paragraph A.2(3) are such that the visual impact of the development on the surrounding area is minimised, so far as practicable;

(c) the siting and appearance of any development which is visible from a site which is—

(i) article 2(3) land;

(ii) a scheduled monument or a listed building;

(iii) the curtilage of a schedule monument or a listed building;

(iv) a World Heritage Site;

- (v) a site designated by the Secretary of State under section 1 of the Protection of Wrecks Act 1973(1); or
 - (vi) land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953(2),
- are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site;
- (d) the siting of any development is such that it—
 - (i) does not prevent pedestrians from passing along a footway;
 - (ii) does not prevent access to premises adjoining a footway; and
 - (iii) is determined having regard to—
 - (aa) the needs of disabled people; and
 - (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021(3).”.
- (3) In sub-paragraph (3)—
- (a) immediately after paragraph (b), omit the “or”;
 - (b) in paragraph (c)—
 - (i) in sub-paragraph (i), at the end insert “, other than the installation of a mast on a building where the height of the mast (including any antenna and supporting apparatus) does not exceed the height of the highest part of the building by more than 6 metres”;
 - (ii) in sub-paragraph (ii)(bb), for “20” substitute “25”;
 - (iii) after sub-paragraph (ii) insert—
 - “(iia) the alteration or replacement of a mast which—
 - (aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or
 - (bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or”;
 - (iv) in sub-paragraph (iii), after “single development” insert “, other than a single development within a permitted compound,”;
 - (c) at the end of paragraph (c)(iii) insert—
 - “;
 - (d) on a highway where that development consists of—
 - (i) the alteration or replacement of a mast which, when completed—
 - (aa) is taller than the mast which existed prior to such alteration or replacement; and
 - (bb) exceeds a height of 20 metres above ground level;

(1) 1973 c. 33.

(2) 1953 c. 49. Section 8C was inserted by paragraph 10 of Schedule 4 to the National Heritage Act 1983 (c. 47). Historic England is the informal name of the Historic Buildings and Monuments Commission for England, referred to in section 8C as “the Commission” (see section 9(1A) of the Historic Buildings and Ancient Monuments Act 1953 as inserted by paragraph 11(2) of Schedule 4 to the National Heritage Act 1983).

(3) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1044542/inclusive-mobility-a-guide-to-best-practice-on-access-to-pedestrian-and-transport-infrastructure.pdf a hard copy of which is available by written request to the Department of Transport at Great Minster House, 33 Horseferry Road, London, SW1P 4DR.

- (ii) the alteration or replacement of a mast which—
 - (aa) is less than one metre wide where the mast would, when altered or replaced, exceed the original width of the mast by two thirds; or
 - (bb) is one metre wide or wider where the mast would, when altered or replaced, exceed the original width of the mast by more than one half or 2 metres, whichever is the greater; or
 - (e) which consists of the installation, alteration or replacement of a mast on a defence safeguarding area”.
- (4) In sub-paragraph (4)—
- (a) at the end of paragraph (a) omit “or”;
 - (b) in paragraph (b), omit “A.1(1)(d)(i)(bb),”;
 - (c) at the end of paragraph (b) insert—
 - “;
 - (c) the construction, installation, alteration or replacement of radio equipment housing—
 - (i) within a permitted compound; or
 - (ii) in any other location, where the volume of any single development does not exceed 2.5 cubic metres;
 - (d) the alteration or replacement of a mast which, when completed, is no taller than the taller of—
 - (i) the height of the mast prior to such alteration or replacement; or
 - (ii) 20 metres above ground level; or
 - (e) the alteration or replacement of a mast which—
 - (i) is less than one metre wide where the mast would, when altered or replaced, not exceed the original width of the mast by two thirds; or
 - (ii) is one metre wide or wider where the mast would, when altered or replaced, not exceed the original width of the mast by more than one half or 2 metres, whichever is the greater”.
- (5) After sub-paragraph (5) insert—
- “(5A) Except in case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject (in addition to any other condition imposed by this paragraph) to the conditions that—
- (a) the developer notifies in writing—
 - (i) the Civil Aviation Authority, in respect of development on a civil safeguarding area;
 - (ii) the Secretary of State for Defence, in respect of development on a defence safeguarding area;
 - (iii) the operator of the civil safeguarding area (if the operator is not the Civil Aviation Authority) or defence safeguarding area (if the operator is not the Secretary of State for Defence); and
 - (b) the development does not begin until the end of 28 days after the day the last notification required by paragraph (a) is given.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(5B) In case of emergency, Class A development which consists of the installation, alteration or replacement of a mast on a civil safeguarding area or a defence safeguarding area is permitted subject to the condition that the developer notifies the person mentioned in sub-paragraph (5A)(a)(i) to (iii) (as appropriate) as soon as practicable after the emergency begins.”.