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STATUTORY INSTRUMENTS

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**2023 No. 1110**

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2023**

**Amendment to Schedule 2 (permitted development rights) to the GPDO**

2. In Part 4 (temporary buildings and uses) of Schedule 2 to the GPDO, after Class CA(1) (provision of a temporary state-funded school on previously vacant commercial land) insert—

*“Class CB – temporary provision of buildings for a school with a RAAC-affected building*

**Permitted Development**

***CB. The temporary provision of buildings on school land where the school has a RAAC-affected building.***

**Development not permitted**

**CB.1.** Development is not permitted by Class CB—

- (a) if the school land covered by the building provided is, or forms part of—
  - (i) a site of special scientific interest,
  - (ii) a safety hazard area,
  - (iii) a military explosives storage area, or
  - (iv) a scheduled monument or land within its curtilage;
- (b) if any part of any building provided would be within 5 metres of the boundary of the curtilage of land adjacent to the school land, where that adjacent land is used for a purpose within Part C (residential purposes) of Schedule 1 to the Use Classes Order(2);
- (c) if any building provided would have more than two storeys;
- (d) if the height of any building provided would exceed 9 metres;
- (e) after the end of the period of three years beginning on 25th October 2023 and ending at 11.59 p.m. on 24th October 2026.

**Conditions**

**CB.2.** Development is permitted by Class CB subject to the following conditions—

- (a) the combined floor space of any buildings provided under Class CB is not more than 125% of the combined floor space of the parts of the RAAC-affected buildings which have been vacated due to the presence of RAAC;
- (b) at the relevant time, the school must provide a written notification to the local planning authority which includes all of the following—

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(1) Class CA was inserted by [S.I. 2017/391](#).  
(2) [S.I. 1987/764](#). Part C of Schedule 1 was amended in relation to England by [S.I. 1994/724](#), [2006/1282](#) and [2010/653](#).

- (i) the date or expected date of the beginning of development;
- (ii) the address of the school;
- (iii) the contact address for the school;
- (iv) the size of the area, in square metres, of the combined floor space of the parts of the RAAC-affected buildings which have been vacated due to the presence of RAAC;
- (v) the size of the area, in square metres, of the combined floor space of any buildings which form part of this development and any buildings provided under previous developments under Class CB (excluding buildings which are no longer provided);
- (vi) a written description of the development;
- (vii) a plan indicating the school's school land, and any buildings on that land, and showing the development;
- (viii) confirmation that there is a RAAC-affected building on the school's school land;
- (c) at the relevant time, the school must also provide to the relevant fire and rescue authority a copy of the notification described in sub-paragraph (b);
- (d) the development does not result in an increase to the school's published admission number;
- (e) buildings are placed so as to minimise, so far as practicable, any reduction in the amount of the school land—
  - (i) used as playing fields;
  - (ii) used as space available for the parking or turning of vehicles;
- (f) any building provided under Class CB is removed from the school's school land—
  - (i) as soon as reasonably practicable after such time as each RAAC-affected building on the school's school land has been remediated or replaced; or
  - (ii) before the period in CB.1(e) has elapsed,whichever is the sooner;
- (g) following the removal of any building provided under Class CB, as soon as reasonably practicable the school land used in connection with the provision of that building is restored to the condition it was in before the development took place.

### **Interpretation of Class CB**

#### **CB.3.** For the purposes of Class CB—

“published admission number” has the meaning given in paragraph M.3 of Part 7 of this Schedule;

“RAAC” means reinforced autoclaved aerated concrete;

“RAAC-affected building” means a building on school land which has been vacated, in whole or in part, pursuant to a decision by the school, in discharge of its health and safety obligations, that the building should be vacated due to the presence of RAAC;

“relevant time” means—

- (a) where development begins after 25th October 2023, before development begins or as soon as reasonably practicable after it has begun;
- (b) where development begins on or before 25th October 2023, as soon as reasonably practicable after that date;

“school” does not include buildings or land provided at any time under Class C or CA;  
“school land” means land available for use by a school for a purpose falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order.”.