
 STATUTORY INSTRUMENTS

1985 No. 1012

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**
**The Town and Country Planning (National Parks, Areas of
Outstanding Natural Beauty and Conservation Areas, etc.)
Special Development Order 1985**

<i>Made</i>	- - -	3rd July 1985
<i>Laid before Parliament</i>		12th July 1985
<i>Coming into Operation</i>		1st November 1985

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24 and 287 of the Town and Country Planning Act 1971 (a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order shall apply to the following descriptions of land:—

(a) land which, on the date when it comes into operation, is within a National Park;

(b) land which, on the date when it comes into operation, is within an area of outstanding natural beauty designated by an order made by the Countryside Commission under section 87 of the National Parks and Access to the Countryside Act 1949 (b) and confirmed by the Secretary of State;

(c) land which, on the date when it comes into operation, is within an area designated by a local planning authority as a conservation area, under the powers conferred by section 277 of the Town and Country Planning Act 1971;

(d) land which, on the date when it comes into operation, is within an area which has been specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (c).

(2) This order may be cited as the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas, etc.) Special Development Order 1985 and shall come into operation on 1st November 1985.

2. In this order, “the General Development Order” means the Town and Country Planning General Development Order 1977 (d); and expressions used in this order shall have, unless the contrary intention appears, the meaning which they bear in the General Development Order.

(a) 1971 c.78; section 24 was amended by paragraph 1 of Schedule 15 to the Local Government, Planning and Land Act 1980 (c.65) and extended by paragraph 53(2) of Schedule 4 to the Telecommunications Act 1984 (c.12).

(b) 1949 c.97.

(c) 1981 c.69.

(d) S.I. 1977/289; relevant amending instruments are S.I. 1980/1946, 1981/245 and 1983/1615.

3. The General Development Order shall apply to the descriptions of land to which this order applies, subject to the following modifications to Schedule 1 (permitted development):—

(a) class I.1 (the enlargement, improvement or other alteration of a dwellinghouse) shall be subject to the following limitations and provisos in place of those set out:—

“(a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than 50 cubic metres or ten per cent, whichever is the greater, subject to a maximum of 115 cubic metres;

(b) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;

(c) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;

(d) no part of the building (as so enlarged, improved or altered) which lies within a distance of two metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding four metres;

(e) the area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) does not thereby exceed fifty per cent of the total area of the curtilage excluding the ground area of the original dwellinghouse:

Provided that:—

(a) the erection of a garage, stable, loosebox or coachhouse within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including calculation of cubic content);

(b) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise); and

(c) the limitation contained in subparagraph (d) above shall not apply to development consisting of:—

(i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or

(ii) any other alterations to any part of the roof of the original dwellinghouse.”;

(b) class I.3 (the erection and alteration of buildings and enclosures in the curtilage of a dwellinghouse) shall not include development consisting of the erection, construction or placing, or the maintenance, improvement or other alteration, of garages and coachhouses;

(c) in class VIII.1 (the carrying out of certain operations by industrial undertakers) the limitations on the cubic content and the aggregate floor space of buildings extended or altered pursuant to sub-paragraph (iv) shall be that:—

- (i) the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than ten per cent; and
 - (ii) the aggregate floor space of the original building is not exceeded by more than 500 square metres;
 - (d) class XXIV (development by telecommunications code system operators) shall be subject to an additional condition and an additional limitation, as follows:—
 - (1) in the case of the installation of apparatus on or over land which is occupied by the operator and in respect of which either—
 - (a) he is the estate owner in respect of the fee simple; or
 - (b) he holds a lease granted for a term of not less than 10 years,the operator shall (except in a case of emergency) give notice in writing to the local planning authority, not less than 8 weeks before the development is begun, of his intention to carry out such development; and where the operator needs to install apparatus on such land as a matter of emergency, he shall give written notice of such installation as soon as possible after the emergency begins; and
 - (2) nothing in the permission is to be construed as authorising (except in a case of emergency)—
 - (a) the installation or alteration of a microwave antenna or of any apparatus which includes or is intended for the support of such an antenna; or
 - (b) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs in size, design, appearance or siting from that which is being replaced;
 - (e) class XXV (other telecommunications development) shall not apply.
4. The Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas) Special Development Order 1981 (a) is hereby revoked.

Patrick Jenkin,
Secretary of State
for the Environment.

3rd July 1985.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order revokes and re-enacts, with additions, the provisions of the Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas) Special Development Order 1981. It applies to all land which on 1st November 1985 is within a National Park, an area of outstanding natural beauty, a conservation area or an area specified for the purposes of section 41(3) of the Wildlife and Countryside Act 1981; and it modifies, in relation to such land, certain of the provisions of Schedule 1 to the Town and Country Planning General Development Order 1977 (which specifies classes of development permitted by the order).

The provisions of the 1981 order which are re-enacted without amendment (article 3(a), (b) and (c)) modify Schedule 1 to the General Development Order, in relation to such land, as follows:—

(a) in class I.1 (the enlargement, improvement or other alteration of a dwellinghouse) the permitted increase in the size of a dwellinghouse is 50 cubic metres or ten per cent of the content of the original dwellinghouse, whichever is the greater (instead of 70 cubic metres or fifteen per cent); and the erection of a garage or coachhouse anywhere within the curtilage is to be treated as the enlargement of the dwellinghouse (under the provisions of the General Development Order, only a garage or coachhouse which is erected within 5 metres of the dwellinghouse is so treated);

(b) the erection, construction or placing and the maintenance, improvement or alteration of garages and coachhouses are excluded from class I.3 (the erection and alteration of buildings and enclosures in the curtilage of a dwellinghouse);

(c) in class VIII.1 (the carrying out of certain operations by industrial undertakers) the permitted increases in the size of a building are reduced from twenty per cent of the cubic content to ten per cent and from 750 square metres of floor space to 500 square metres.

The additional provisions contained in this order (article 3(d) and (e)) make modifications to two new classes which are added to Schedule 1 to the General Development Order by the Town and Country Planning General Development (Amendment) Order 1985 (S.I. 1985/1011), which comes into operation on the same day as this order. These modifications are:—

(a) an additional condition and an additional limitation are imposed on class XXIV (development by telecommunications code system operators) which (i) require the operator (except in an emergency) to give 8 weeks' notice to the local planning authority before installing any apparatus on his own land, and (ii) exclude from the class (except in a case of emergency) the installation or alteration of microwave antennas and the replacement of an existing antenna by an antenna which is different from the original one; and

(b) class XXV (other telecommunications development) does not apply in the areas covered by this order.

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