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STATUTORY INSTRUMENTS

1988 No. 2091

**TOWN AND COUNTRY PLANNING, ENGLAND
AND WALES**

**The Town and Country Planning General Development
(Amendment) Order 1988**

<i>Made</i>	- - - -	<i>30th November 1988</i>
<i>Laid before Parliament</i>		<i>2nd December 1988</i>
<i>Coming into force</i>	-	<i>5th December 1988</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 24 and 287(3) of the Town and Country Planning Act 1971(a) and all other powers enabling them in that behalf, hereby make the following order—

1. This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1988 and shall come into force on 5th December 1988.

2. The Town and Country Planning General Development Order 1988(b) shall be amended by substituting for paragraph A.1(d) in Class A of Part 1 of Schedule 2 (development within the curtilage of a dwellinghouse) the following paragraph—

“ (d) any part of the resulting building which would be within 2 metres of the boundary of the curtilage of the dwellinghouse—

- (i) would be increased in height as a result of the development; and
- (ii) would exceed 4 metres in height;”.

30th November 1988

Nicholas Ridley
Secretary of State for the Environment

30th November 1988

Peter Walker
Secretary of State for Wales

(a) 1971 c.78; there are amendments to section 24 not relevant to this Order.
(b) S.I. 1988/1813.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning General Development Order 1988.

Class A of Part 1 of Schedule 2 to the 1988 Order grants planning permission for the enlargement, improvement or other alteration of a dwellinghouse, but development is not permitted in certain circumstances. By virtue of paragraph A.1(d) of the 1988 Order one of the circumstances in which development is not permitted is where any part of the resulting building would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height. This order amends that paragraph, so that development is permitted in such circumstances unless the relevant part of the resulting building would be increased in height as a result of the proposed development.

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ISBN 0 11 088091 9

Printed in the United Kingdom for Her Majesty's Stationery Office

850 WO1969 C170 12/88 452/3 4235 PS 8901375 883571K