

## SCHEDULE 2

### Permitted development rights

## PART 1

### Development within the curtilage of a dwellinghouse

#### *Class H – microwave antenna on a dwellinghouse*

#### Permitted development

**H. The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.**

#### Development not permitted

**H.1** Development is not permitted by Class H if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class [<sup>F1</sup>G,] M, [<sup>F2</sup>MA,] N, P [<sup>F3</sup>, PA] or Q of Part 3 of this Schedule (changes of use);
- (b) it would result in the presence on the dwellinghouse or within its curtilage of—
  - (i) more than 2 antennas;
  - (ii) a single antenna exceeding 1 metre in length;
  - (iii) 2 antennas which do not meet the relevant size criteria;
  - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres;
  - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or
  - (vi) an antenna with a cubic capacity in excess of 35 litres;
- (c) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (d) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lower; <sup>F4</sup>...
- (e) in the case of article 2(3) land, it would consist of the installation of an antenna—
  - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
  - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or
  - (iii) on a building which exceeds 15 metres in height [<sup>F5</sup>; or]
- [<sup>F6</sup>(f) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).]

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015*, Cross Heading: *Class H – microwave antenna on a dwellinghouse*. (See end of Document for details)

### Textual Amendments

- F1** Word in Sch. 2 Pt. 1 Class H para. H1(a) inserted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021](#) (S.I. 2021/814), arts. 1(1), **3(2)(i)** (with Sch.)
- F2** Word in Sch. 2 Pt. 1 Class H para. H.1(a) inserted (21.4.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021](#) (S.I. 2021/428), arts. 1(1), **4(i)** (with art. 15(3))
- F3** Word in Sch. 2 Pt. 1 Class H para. H.1(a) inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016](#) (S.I. 2016/332), arts. 1, **9**
- F4** Word in Sch. 2 Pt. 1 Class H para. H.1(d) omitted (1.8.2020) by virtue of [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#) (S.I. 2020/632), regs. 1(2), **12(a)**
- F5** Word in Sch. 2 Pt. 1 Class H para. H.1(e) substituted (1.8.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#) (S.I. 2020/632), regs. 1(2), **12(b)**
- F6** Sch. 2 Pt. 1 Class H para. H.1(f) inserted (1.8.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#) (S.I. 2020/632), regs. 1(2), **12(c)**

### Conditions

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

- (a) an antenna installed on a building must, so far as practicable, be sited so as to minimise its effect on the external appearance of the building; and
- (b) an antenna no longer needed for reception or transmission purposes is removed as soon as reasonably practicable.

### Interpretation of Class H

**H.3** For the purposes of Class H—

- (a) the relevant size criteria for the purposes of paragraph H.1(b)(iii) are that—
  - (i) only 1 of the antennas may exceed 0.6 metres in length; and
  - (ii) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length;
- (b) the length of the antenna is to be measured in any linear direction, and excludes any projecting feed element, reinforcing rim, mounting or brackets.

### Interpretation of Part 1

**I.** For the purposes of Part 1—

“highway” includes an unadopted street or a private way;

“raised” in relation to a platform means a platform with a height greater than 0.3 metres; and

“terrace house” [<sup>F7</sup>except in Class AA (enlargement of a dwellinghouse by construction of additional storeys),] means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or

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- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of paragraph (a); and
- “unadopted street” means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980 <sup>M1</sup>.

#### Textual Amendments

- F7** Words in Sch. 2 Pt. 1 para. 1 inserted (31.8.2020 at 9.00 a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020 \(S.I. 2020/755\)](#), arts. 1, **3(4)**

#### Marginal Citations

- M1** 1980 c. 66. See in particular sections 36, 328 and 329; section 36 was amended by Schedule 4 to the [Local Government Act 1985 \(c. 51\)](#), **Schedule 2** to the [Housing \(Consequential Provisions\) Act 1985 \(c. 71\)](#), **Schedule 2** to the [Planning \(Consequential Provisions\) Act 1990 \(c. 11\)](#), **section 64** of, and Schedule 4 to, the [Transport and Works Act 1992 \(c. 42\)](#), **Schedule 6** to the [Countryside and Rights of Way Act 2000 \(c. 37\)](#) and [S.I. 2006/1177](#). There are amendments to section 329 but none are relevant to this Order.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, Cross Heading: Class H – microwave antenna on a dwellinghouse.