

## SCHEDULE 2

### Permitted development rights

## PART 11

### Heritage and demolition

#### *Class A – development by Historic England*

#### Permitted development

**A. Development by or on behalf of Historic England<sup>M1</sup>, consisting of—**

- (a) *the maintenance, repair or restoration of any building or monument;*
- (b) *the erection of screens, fences or covers designed or intended to protect or safeguard any building or monument; or*
- (c) *the carrying out of works to stabilise ground conditions by any cliff, watercourse or the coastline;*

#### Marginal Citations

- M1** Historic England is the name used by the Historic Buildings and Monuments Commission for England (a body established under section 32 of the [National Heritage Act 1983 \(c. 47\)](#)).

*where such works are required for the purposes of securing the preservation of any building or monument.*

#### Development not permitted

**A.1** Development is not permitted by Class A(a) if the works involve the extension of the building or monument.

#### Condition

**A.2** Except for development also falling within Class A(a), Class A(b) development is permitted subject to the condition that any structure erected in accordance with that permission is removed at the expiry of a period of 6 months (or such longer period as the local planning authority may agree in writing) from the date on which work to erect the structure was begun.

#### Interpretation of Class A

**A.3** For the purposes of Class A, “building or monument” means any building or monument in the guardianship of Historic England or owned, controlled or managed by it.

#### *Class B – demolition of buildings*

#### Permitted development

**B. Any building operation consisting of the demolition of a building.**

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 11*. (See end of Document for details)

## Development not permitted

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

- (a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;
- (b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area) <sup>M2, F1</sup> ...
- [<sup>F2</sup>(c) the building is used, or was last used, for a purpose falling within—
  - (i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or
  - (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;]
  - [<sup>F3</sup>(d) the building is used, or was last used, for the purpose of—
    - (i) a concert hall;
    - (ii) a venue for live music performance; or
    - (iii) a theatre][<sup>F4</sup>; or]
    - [<sup>F4</sup>(e) the demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—
      - (i) that is a listed building;
      - (ii) that is a scheduled monument;
      - (iii) within a cemetery, on consecrated land, or within the curtilage of a place of public worship;
      - (iv) within the grounds of a museum or art gallery; or
      - (v) within the curtilage of a dwellinghouse]

### Textual Amendments

- F1** Word in Sch. 2 Pt. 11 Class B para. B.1 omitted (3.12.2020) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1243\)](#), regs. 1(2), **6(a)** (with reg. 12(3)(4))
- F2** Sch. 2 Pt. 11 Class B1 para. B.1(c) substituted (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), **8** (with Sch.)
- F3** Sch. 2 Pt. 11 Class B para. B.1(d) and word inserted (3.12.2020) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1243\)](#), regs. 1(2), **6(b)** (with reg. 12(3)(4))
- F4** Sch. 2 Pt. 11 Class B para. B.1(e) and word 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), **11(2)(b)** (with art. 15(3))

### Marginal Citations

- M2** Section 196D was inserted by paragraph 6 of Schedule 17 to the [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#).

## Conditions

### B.2 Development is permitted by Class B subject to the following conditions—

- (a) where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;
- (b) where the demolition does not fall within paragraph (a) and is not excluded demolition—
  - [<sup>F5</sup>(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;]
  - (ii) an application described in [<sup>F6</sup>paragraph (b)(i)] must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;
  - <sup>F7</sup>(iii) .....
  - (iv) subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;
  - (v) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;
  - <sup>F8</sup>(vi) .....
  - (vii) <sup>F9</sup>... the development must not begin before the occurrence of one of the following—
    - (aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
    - (bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or
    - (cc) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
  - (viii) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
    - (aa) where prior approval is required, in accordance with the details approved;
    - (bb) where prior approval is not required, in accordance with the details submitted with the application;
  - (ix) <sup>F10</sup>... the development must be carried out—
    - (aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;
    - (bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 11. (See end of Document for details)

F11(x) . . . . .

### Textual Amendments

- F5** Sch. 2 Pt. 11 Class B para. B.2(b)(i) substituted (23.5.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(b)** (with art. 5)
- F6** Words in Sch. 2 Pt. 11 Class B para. B.2(b)(ii) substituted (23.5.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(c)** (with art. 5)
- F7** Sch. 2 Pt. 11 Class B para. B.2(b)(iii) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(d)** (with art. 5)
- F8** Sch. 2 Pt. 11 Class B para. B.2(b)(vi) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(e)** (with art. 5)
- F9** Words in Sch. 2 Pt. 11 Class B para. B.2(b)(vii) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(f)** (with art. 5)
- F10** Words in Sch. 2 Pt. 11 Class B para. B.2(b)(ix) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(g)** (with art. 5)
- F11** Sch. 2 Pt. 11 Class B para. B.2(b)(x) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **4(h)** (with art. 5)

### Interpretation of Class B

#### B.3 For the purposes of Class B—

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...

[<sup>F13</sup>“cemetery” has the meaning given by section 214(8) of the Local Government Act 1972; “dwellinghouse” does not include educational accommodation;]

“excluded demolition” means demolition—

- (a) on land which is the subject of a planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part 3 of the Act (control over development),
- (b) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument consent) <sup>M3</sup>,
- (c) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent) <sup>M4</sup>,
- (d) required or permitted to be carried out by or under any other enactment, or
- (e) required to be carried out by virtue of a relevant obligation;

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F12  
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“relevant obligation” means—

- (a) an obligation arising under an agreement made under section 106 of the Act, as originally enacted (agreements regulating development or use of land);
- (b) a planning obligation entered into under section 106 of the Act, as substituted by section 12 of the Planning and Compensation Act 1991 (planning obligations) <sup>M5</sup>, or under section 299A of the Act (Crown planning obligations) <sup>M6</sup>;
- (c) an obligation arising under, or under an agreement made under, any provision corresponding to section 106 of the Act, as originally enacted or as substituted by the Planning and Compensation Act 1991, or to section 299A of the Act;

“site notice” means a notice containing—

- (a) the name of the applicant,
  - (b) a description, including the address, of the building or buildings which it is proposed to be demolished,
  - (c) a statement that the applicant has applied to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site,
  - (d) the date on which the applicant proposes to carry out the demolition, and
  - (e) the name and address of the local planning authority,
- and which is signed and dated by or on behalf of the applicant;

F12 ...

F12 ...

#### Textual Amendments

- F12** Words in Sch. 2 Pt. 11 Class B para. B.3 omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017](#) (S.I. 2017/619), arts. 1, **4(i)** (with art. 5)
- F13** Words in Sch. 2 Pt. 11 Class B para. B.3 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), **11(3)** (with art. 15(3))

#### Marginal Citations

- M3** 1979 c. 46; see in particular sections 2 to 4, relevant amendments to which are made by section 33 of, and Schedule 4 to, the [National Heritage Act 1983](#) (c. 47) and Schedule 2 to the [Planning Act 2008](#) (c. 29).
- M4** 1990 c. 9; see in particular sections 7, 8 and 18, relevant amendments to which are made by section 51 of the [Planning and Compulsory Purchase Act 2004](#) (c. 5) and Schedule 2 to the Planning Act 2008, S.I. 2001/24. Those sections are modified in relation to buildings in conservation areas by S.I. 1990/1519.
- M5** 1991 c. 34. Section 106 of the Act was amended by section 33 of the [Greater London Authority Act 2007](#) (c. 24), **section 174** of the Planning Act 2008 and Schedule 2 to the [Growth and Infrastructure Act 2013](#) (c. 27).
- M6** Section 299A was repealed by Schedule 9 to the [Planning and Compulsory Purchase Act 2004](#) (c.5).

*Class C – demolition of gates, fences, walls etc*

#### Permitted development

**C. Any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure.**

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 11*. (See end of Document for details)

## Development not permitted

**C.1** Development is not permitted by Class C if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)<sup>M7</sup>.

### Marginal Citations

**M7** Section 196D was inserted by paragraph 6 of Schedule 17 to the [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 11.