

SCHEDULE 2

Permitted development rights

[^{F1}PART 20

Construction of New Dwellinghouses

Textual Amendments

- F1** Sch. 2 Pt. 20 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), **22**

[^{F2}Class ZA - Demolition of buildings and construction of new dwellinghouses in their place

Textual Amendments

- F2** Sch. 2 Pt. 20 Class ZA inserted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), **4(2)**

Permitted Development

ZA.—(1) Development consisting of works for the demolition of one or other of—

- (a) any building comprising a single purpose-built detached block of flats, and
- (b) any other single detached building, comprising premises established—
 - (i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,
 - (ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or
 - (iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,or for any combination of them,

existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

(2) The building in question is to comprise one or other of—

- (a) a purpose-built detached block of flats, or
- (b) a purpose-built detached dwellinghouse.

(3) The operations in question are—

- (a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;
- (b) works for the removal of plant servicing the old building;
- (c) works for the disconnection of services from the old building;
- (d) works for the removal of any means of access to and egress from the old building;
- (e) works for the removal of storage and waste from the old building;
- (f) works for the installation of plant to service the new 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 20. (See end of Document for details)

- (g) works for the installation of services to be connected to the new building;
 - (h) works to enable access to and egress from the new building, including means of escape from fire;
 - (i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
 - (j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—
 - (i) starting with their installation no earlier than one month before the beginning of those operations, and
 - (ii) ending with their removal no later than one month after the completion of those operations.
- (4) In relation to Class ZA—
- “development” includes any change of use from the use of the old building to the use of the new building within Class C3 of the Schedule to the 1987 Order;
- “the 1987 Order” means the Use Classes Order as in force on 12 March 2020;
- “the old building” and “the new building” respectively mean the building proposed for demolition and the building proposed as replacement; and
- “services” means water, drainage, electricity, gas, and other services to the extent reasonably necessary for the new building to function as the building in question as defined by subparagraph (2) above.

Development not permitted

ZA1. Development is not permitted by Class ZA—

- (a) if land covered by, or within the curtilage of, the old building—
 - (i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
 - (ii) is or forms part of article 2(3) land;
 - (iii) is or forms part of a site of special scientific interest;
 - (iv) is or forms part of a listed building or land within its curtilage;
 - (v) is or forms part of a scheduled monument or land within its curtilage;
 - (vi) is or forms part of a safety hazard area;
 - (vii) is or forms part of a military explosives storage area; or
 - (viii) is within 3 kilometres of the perimeter of an aerodrome;
- (b) if the old building was constructed after 31 December 1989;
- (c) if the footprint of the old building exceeds 1,000 square metres;
- (d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;
- (e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;
- (f) if the old 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 old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);

- (g) 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);
- (h) if any of the footprint of the new building falls outside the footprint of the old building;
- (i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;
- (j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—
 - (i) 7 metres above the height (not including plant) of old building; or
 - (ii) 18 metres,
above ground level;
- (k) if the new building has more than $X + 2$ storeys, where “X” is the number of storeys in the old building;
- (l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—
 - (i) the floor to ceiling height, measured internally, of any storey in the old building; or
 - (ii) 3 metres; or
- (m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

Conditions

ZA.2.—(1) Development under Class ZA is permitted subject to the following conditions.

(2) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks in relation to the new building;
- (c) flooding risks in relation to the new building;
- (d) the design of the new building;
- (e) the external appearance of the new building;
- (f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
- (g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) the impact on business and new residents of the development’s introduction of, or increase in, residential use in the area in which the development is to take place;
- (j) the impact of the development on heritage and archaeology;
- (k) the method of demolition of the old building;
- (l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and

(m) any—

- (i) air traffic and defence asset impacts of the development, and
- (ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State,

unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

(3) In sub-paragraph (1)(h), “commercial premises” means any premises in the surrounding area which are normally used for the purpose of any commercial or industrial undertaking which existed on the date of the application under sub-paragraph (2), and includes premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(4) When the developer applies under sub-paragraph (2), paragraph B (procedure for applications for prior approval under Part 20) applies to the application and the material covered by paragraph B(1A) to B(1C).

(5) Any development under Class ZA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(6) Any development under Class ZA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which is acceptable to the authority and sets out the method of demolition, the proposed development hours of operation and how any adverse impact of noise, dust and vibration and traffic on occupiers of the new building and adjoining owners or occupiers will be mitigated, the proposed use of materials, and the plans for the disposal and recycling of waste generated by the development and that in carrying out the development the developer must comply with the report.

(7) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(8) The notification referred to in sub-paragraph (6) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(9) Any new dwellinghouse created under Class ZA is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the 1987 Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.]

Class A - New dwellinghouses on detached blocks of flats

Permitted development

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

- (c) works for the construction of appropriate and safe [^{F3}access to and egress from] the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Textual Amendments

- F3** Words in Sch. 2 Pt. 20 Class A para. A(c) substituted (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, **4(2)(a)**

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, [^{F4}MA,] N, O, P, PA or Q of Part 3 of this Schedule;
- (b) above ground level, the building is less than 3 storeys in height;
- (c) the building was constructed before 1st July 1948, or after 5th March 2018;
- (d) the additional storeys are constructed other than on the principal part of the building;
- [^{F5}(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;]
- (f) the new dwellinghouses are not flats;
- [^{F6}(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);]
- [^{F7}(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;]
- (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (k) in the case of Class A.(b) development there is no existing plant on the building;
- (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the [^{F8}extended building] would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (m) development under Class A.(c) would extend beyond the curtilage of the existing building;
- (n) development under Class A.(d) would—

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20*. (See end of Document for details)

- (i) extend beyond the curtilage of the existing building;
- (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
- (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;
- (o) the land or site on which the building is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

- F4** Word in Sch. 2 Pt. 20 Class A para. A.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), [12\(1\)\(a\)](#) (with [art. 15\(3\)](#))
- F5** Sch. 2 Pt. 20 Class A para. A.1(e) substituted (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, [4\(2\)\(b\)\(i\)](#)
- F6** Sch. 2 Pt. 20 Class A para. A.1(g) substituted (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, [4\(2\)\(b\)\(ii\)](#)
- F7** Sch. 2 Pt. 20 Class A para. A.1(h) substituted (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, [4\(2\)\(b\)\(iii\)](#)
- F8** Words in Sch. 2 Pt. 20 Class A para. A.1(l) substituted (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, [4\(2\)\(b\)\(iv\)](#)

Conditions

A.2. —

(1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; ^{F9} ...

- (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, ^{F10}...

[where the existing building is 18 metres or more in height, the fire safety of the external ^{F11}(i) wall construction of the existing building,][^{F12}; and

- (j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(3) Any development under Class A is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(6) Any new dwellinghouse created under Class A is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Textual Amendments

- F9** Word in Sch. 2 Pt. 20 Class A para. A.2(1)(g) omitted (30.12.2020) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 4\) Order 2020 \(S.I. 2020/1459\)](#), arts. 1(2), **2(2)(a)** (with art. 3)
- F10** Word in Sch. 2 Pt. 20 Class A para. A.2(1)(h) omitted (1.8.2021) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **9(2)(a)** (with Sch.)
- F11** Sch. 2 Pt. 20 Class A para. A.2(1)(i) and word inserted (30.12.2020) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 4\) Order 2020 \(S.I. 2020/1459\)](#), arts. 1(2), **2(2)(b)** (with art. 3)
- F12** Sch. 2 Pt. 20 Class A para. A.2(1)(j) and word 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), **9(2)(b)** (with Sch.)

Procedure for applications for prior approval under Part 20

B. —

(1) The following provisions apply where under this Part, a developer is required to make an application to a local planning authority for prior approval.

[

^{F13}(1A) The application, if made in relation to development proposed under Class ZA, must be accompanied by—

- (a) a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed under paragraph ZA(3);
- (b) a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;
- (c) drawings prepared to an identified scale and showing external dimensions and elevations of—
 - (i) the building proposed for demolition,
 - (ii) the building scheduled as replacement,
 and, in the direction of North, the positioning of each, together with the applicable information called for by sub-paragraph (1B);
- (d) a written statement specifying—
 - (i) the number of dwellinghouses in the building proposed for demolition, and
 - (ii) the number of new dwellinghouses proposed in the building proposed as replacement,
- (e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
- (f) a written statement in respect of heritage and archaeological considerations of the development;
- (g) the developer's contact address; and
- (h) the developer's email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(1B) The information referred to in sub-paragraph (1A)(c), which so far as practicable, is to be presented in the direction of North and to show elevations is—

- (a) where the building proposed as replacement is a block of flats—
 - (i) the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it, and
 - (ii) the dimensions and use of all habitable and other rooms in each dwellinghouse in it;
- (b) where the building proposed as replacement is a single dwellinghouse—
 - (i) the position and dimensions of the windows, doors and walls in it, and
 - (ii) the dimensions and use of all habitable and other rooms in it.

(1C) Sub-paragraph (2) does not apply to any application made in relation to development proposed under Class ZA.]

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which, in relation to development proposed under [^{F14}any of Classes A to AD], must include details of any dwellinghouse and other works proposed under [^{F15}paragraph A(a) to (d), AA(1)(a) to (d), AB(3)(a) to (d), AC(2)(a) to (c), or AD(2)(a) to (c) (as the case may be)];
- (b) a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development;

- (c) floor plans which are drawn to an identified scale and show the direction of North indicating [^{F16}the total floor space in square metres of each dwellinghouse,] the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building;
- (d) a written statement specifying the number of new dwellinghouses proposed by the development [^{F17}(that is, additional to any dwellinghouses in the existing building)];
- (e) a list of all addresses of [^{F18}any flats and any other premises in the existing building];
- (f) the developer's contact address;
- (g) the developer's email address if the developer is content to receive communications electronically; ^{F19} ...

[^{F20}(h) where—

- (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
- (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development;][^{F21}, and
- (i) where the application for prior approval relates to the requirement mentioned in paragraph A.2(1)(i) or AA.2(1)(k), a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010,]

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (10) and (12) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20. (See end of Document for details)

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

[^{F22}(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.]

(7) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.

(8) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.

(9) Where the application relates to prior approval as to natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

[^{F23}(9A) Where the application relates to prior approval under paragraph A.2(1)(i) or AA.2(1)(k), the local planning authority must refuse prior approval if the application is not accompanied by the report mentioned in subparagraph (2)(i) above.]

(10) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

[^{F24}(10A) Where the application relates to a prior approval as to the impact of the development on heritage and archaeology, the local planning authority must so far as they consider reasonably practicable consult any bodies that they consider to have heritage and archaeological expertise relevant to their functions under Part 3 of the Act and this Order.]

(11) The local planning authority must notify the consultees referred to in sub-paragraphs (5), (6), [^{F25}(6A)] [^{F26}(7), (10) and (10A)] specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(12) The local planning authority must give notice of the proposed development—

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development; and
 - (iii) specifies the date by which representations are to be received by the local planning authority;
- (b) [^{F27}unless the proposed development falls within Class ZA,] by serving a notice in that form on all owners and occupiers of [^{F28}any flats and any other premises within the existing building]; and
- (c) by serving a notice in that form on any adjoining owner or occupier.

(13) When computing the number of days in sub-paragraphs (11) and (12)(a), any day which is a public holiday must be disregarded.

(14) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [^{F29}July 2021]; or
- (c) details of proposed building or other operations.

(15) The local planning authority must, when determining an application—

- (a) take into account any representations made to them as a result of any consultation under sub-paragraph (5), (6), (7) or (10) and any notice given under sub-paragraph (12);
- (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [^{F30}July 2021], so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
- (c) in relation to the contamination risks on the site—
 - (i) determine whether, as a result of the proposed development, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(16) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(17) The development must be carried out in accordance with the details approved by the local planning authority.

(18) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Textual Amendments

- F13** Sch. 2 Pt. 20 para. B(1A)-(1C) inserted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), **5(2)**
- F14** Words in Sch. 2 Pt. 20 para. B(2)(a) substituted (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, **4(4)(a)(i)**
- F15** Words in Sch. 2 Pt. 20 para. B(2)(a) substituted (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, **4(4)(a)(ii)**
- F16** Words in Sch. 2 Pt. 20 para. B(2)(c) 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), **12(3)** (with art. 15(2)(b)(3))
- F17** Words in Sch. 2 Pt. 20 para. B(2)(d) substituted (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, **4(4)(b)**

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20*. (See end of Document for details)

- F18** Words in Sch. 2 Pt. 20 para. B(2)(e) substituted (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, [4\(4\)\(c\)](#)
- F19** Word in Sch. 2 Pt. 20 para. B(2)(g) omitted (30.12.2020) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 4\) Order 2020 \(S.I. 2020/1459\)](#), arts. 1(2), [2\(4\)\(a\)\(i\)](#) (with art. 3)
- F20** Sch. 2 Pt. 20 Class A para. B(2)(h) 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), [9\(3\)\(a\)](#) (with Sch.)
- F21** Sch. 2 Pt. 20 para. B(2)(i) and word inserted (30.12.2020) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 4\) Order 2020 \(S.I. 2020/1459\)](#), arts. 1(2), [2\(4\)\(a\)\(ii\)](#) (with art. 3)
- F22** Sch. 2 Pt. 20 Class A para. B(6A) 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), [9\(3\)\(b\)](#) (with Sch.)
- F23** Sch. 2 Pt. 20 para. B(9A) inserted (30.12.2020) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 4\) Order 2020 \(S.I. 2020/1459\)](#), arts. 1(2), [2\(4\)\(b\)](#) (with art. 3)
- F24** Sch. 2 Pt. 20 para. B(10A) inserted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), [5\(3\)](#)
- F25** Word in Sch. 2 Pt. 20 Class A para. B(11) 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), [9\(3\)\(c\)](#) (with Sch.)
- F26** Words in Sch. 2 Pt. 20 para. B(11) substituted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), [5\(4\)](#)
- F27** Words in Sch. 2 Pt. 20 para. B(12)(b) inserted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), [5\(5\)](#)
- F28** Words in Sch. 2 Pt. 20 para. B(12)(b) substituted (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, [4\(4\)\(d\)](#)
- F29** Words in Sch. 2 Pt. 20 Class A para. B(14)(b) substituted (11.1.2022) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 3\) Order 2021 \(S.I. 2021/1464\)](#), arts. 1(2)(c), [3\(1\)\(e\)\(i\)](#)
- F30** Words in Sch. 2 Pt. 20 Class A para. B(15)(b) substituted (11.1.2022) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 3\) Order 2021 \(S.I. 2021/1464\)](#), arts. 1(2)(c), [3\(1\)\(e\)\(ii\)](#)

Interpretation of Part 20

C.—[
^{F31}(1)] For the purposes of Part 20—

[^{F32}“agricultural tenancy” means a tenancy under—

- (a) the Agricultural Holdings Act 1986; or
- (b) the Agricultural Tenancies Act 1995;]

“block of flats” means a building which is divided horizontally and consists of separate and self-contained premises constructed for use for the purposes of a dwellinghouse, and any ancillary facilities constructed solely for use by occupiers of the building;

“defence asset” is a site identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect;

“detached” means that the building does not share a party wall with a neighbouring building;

“flat” means a separate and self-contained premises constructed for use for the purposes of a dwellinghouse;

[^{F33}“footprint”, in relation to a building, means the total area of ground covered by it;]

“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

“principal part” means the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition;

[^{F34}“purpose-built”, in relation to a building (whether a block of flats or a dwellinghouse), means built as such and remaining as such;]^{F35}...

[^{F36}“row”, in relation to a terrace building, means the row of two or more terrace buildings of which it forms part, where each building in the row—

- (a) shares a party wall with, or has a main wall adjoining the main wall of, the building on either side; or
- (b) if it is the end of a row—
 - (i) in the case of a row comprising more than two buildings, it shares a party wall with, or has a main wall adjoining the main wall of, a building which fulfils the requirements of paragraph (a); or
 - (ii) in the case of a row comprising only two buildings, it shares a party wall with, or has a main wall adjoining the main wall of, the other building in the row;]

“technical sites” has the same meaning as in ^{F37}... the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002.

[^{F38}“terrace building” means a building which is not detached.]

- (a) any storey below ground level; or
- (b) any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration,

and accordingly, references to an “additional storey” include a storey constructed in reliance on the permission granted by this Part which replaces accommodation within the roof of the existing building.

[
^{F39}(2) In Part 20 references to a “storey” do not include—

- (a) any storey below ground level; or
- (b) any accommodation within the roof of a building, whether comprising part of the original building or created by a subsequent addition or alteration,

and accordingly, references to an “additional storey” include a storey constructed in reliance on the permission granted by this Part which replaces accommodation within the roof of the existing building.]

[
^{F40}(3) In Part 20, development meets the fire risk condition if the development relates to a building which will—

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20*. (See end of Document for details)

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.]]

Textual Amendments

- F31** Sch. 2 Pt. 20 para. C renumbered as Sch. 2 Pt. 20 para. C(1) (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, [4\(5\)\(e\)](#)
- F32** Words in Sch. 2 Pt. 20 para. C(1) inserted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), [6\(a\)](#)
- F33** Words in Sch. 2 Pt. 20 para. C(1) inserted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), [6\(b\)](#)
- F34** Words in Sch. 2 Pt. 20 para. C(1) substituted (31.8.2020 at 10.00.a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 3\) Order 2020 \(S.I. 2020/756\)](#), arts. 1(2), [6\(c\)](#)
- F35** Word in Sch. 2 Pt. 20 para. C(1) omitted (31.8.2020 at 9.00 a.m.) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020 \(S.I. 2020/755\)](#), arts. 1, [4\(5\)\(a\)](#)
- F36** Words in Sch. 2 Pt. 20 para. C(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, [4\(5\)\(b\)](#)
- F37** Words in Sch. 2 Pt. 20 para. C(1) omitted (31.8.2020 at 9.00 a.m.) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020 \(S.I. 2020/755\)](#), arts. 1, [4\(5\)\(c\)](#)
- F38** Words in Sch. 2 Pt. 20 para. C(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, [4\(5\)\(d\)](#)
- F39** Sch. 2 Pt. 20 para. C(2) 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, [4\(5\)\(e\)](#)
- F40** Sch. 2 Pt. 20 Class A para. C(3) 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), [9\(4\)](#) (with Sch.)

^{F41}Class AA - new dwellinghouses on detached buildings in commercial or mixed use

Textual Amendments

- F41** Sch. 2 Pt. 20 Classes AA-AD 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, [4\(3\)](#)

Permitted development

AA.—(1) Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a detached building to which subparagraph (2) applies, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
 - (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
 - (c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises in the building, including means of escape from fire, via additional external doors or external staircases;
 - (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.
- (2) This sub-paragraph applies to a building which is—
- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to [^{F42}the 1987 Order], or as a betting office, pay day loan shop or launderette;
 - (b) in a mixed use combining—
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to [^{F43}the 1987 Order], together with one or more uses within paragraph (a).

[^{F44}(3) In relation to Class AA, “the 1987 Order” means the Use Classes Order as in force on 5th March 2018.]

Textual Amendments

- F42** Words in Sch. 2 Pt. 20 Class AA para. AA(2)(a) 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), [9\(5\)\(a\)\(i\)](#) (with [Sch.](#))
- F43** Words in Sch. 2 Pt. 20 Class AA para. AA(2)(b)(ii) 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), [9\(5\)\(a\)\(ii\)](#) (with [Sch.](#))
- F44** Sch. 2 Pt. 20 Class AA para. AA(3) 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), [9\(5\)\(b\)](#) (with [Sch.](#))

Development not permitted

AA.1. Development is not permitted by Class AA if—

[the permission to use the building as a dwellinghouse has been granted only by virtue of ^{F45}(za) Class MA of Part 3 of this Schedule;]

- (a) above ground level, the building is less than three storeys in height;
- (b) the building was constructed before 1st July 1948 or after 5th March 2018;
- (c) on 5th March 2018 the building was in a use other than—
 - (i) a use or mixed use within paragraph AA(2)(a) or (b); or
 - (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;
- (d) the additional storeys are constructed other than on the principal part of the building;
- (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20*. (See end of Document for details)

- (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;
- (f) the new dwellinghouses are not flats;
- (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);
- (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;
- (i) development under Class AA(1)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (j) development under Class AA(1)(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (k) in the case of Class AA(1)(b) development there is no existing plant on the building;
- (l) in the case of Class AA(1)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (m) development under Class AA(1)(c) would extend beyond the curtilage of the existing building;
- (n) development under Class AA(1)(d) would—
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or
- (o) the land or site on which the building is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F45 Sch. 2 Pt. 20 Class AA para. AA.1(z) 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), **12(1)(b)(2)** (a) (with art. 15(3))

Conditions

AA.2.—(1) Where any development under Class AA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of—
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under sub-paragraph (1)(c) or (d) of Class AA;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State, ^{F46}...
- [where the existing building is 18 metres or more in height, the fire safety of the external ^{F47}(k) wall construction of the existing building,]]^{F48}; and
- (l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building]

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), “commercial premises” means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

(3) Any development under Class AA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(4) Any development under Class AA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(6) The notification referred to in sub-paragraph (5) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; 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 20*. (See end of Document for details)

(c) the date of completion.

(7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Textual Amendments

- F46** Word in Sch. 2 Pt. 20 Class AA para. AA.2(1)(j) omitted (1.8.2021) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **9(5)(c)(i)** (with Sch.)
- F47** Sch. 2 Pt. 20 Class AA para. AA.2(1)(k) and word inserted (30.12.2020) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 4\) Order 2020 \(S.I. 2020/1459\)](#), arts. 1(2), **2(3)** (with art. 3)
- F48** Sch. 2 Pt. 20 Class AA.2 para. AA.2(1) and word 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), **9(5)(c)(ii)** (with Sch.)

Class AB - new dwellinghouses on terrace buildings in commercial or mixed use

Permitted development

AB.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building to which sub-paragraph(2) applies, where that development comprises—

- (a) up to two additional storeys, in the case of an existing building consisting of two or more storeys;
- (b) one additional storey, in the case of an existing building consisting of one storey,

together with any development under sub-paragraph (3).

(2) This sub-paragraph applies to a building which is—

- (a) used for any purpose within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1(a) (offices) of the Schedule to [^{F49}the 1987 Order], or as a betting office, pay day loan shop or launderette;
- (b) in a mixed use combining—
 - (i) two or more uses within paragraph (a); or
 - (ii) a use falling within Class C3 (dwellinghouses) of the Schedule to [^{F50}the 1987 Order], together with one or more uses within paragraph (a).

(3) Development consisting of any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new dwellinghouses and existing premises, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

[
^{F51}(4) In relation to Class AB, “the 1987 Order” means the Use Classes Order as in force on 5th March 2018.]

Textual Amendments

- F49** Words in Sch. 2 Pt. 20 Class AB para. AB(2)(a) 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), **9(6)(a)(i)** (with Sch.)
- F50** Words in Sch. 2 Pt. 20 Class AB para. AB(2)(b)(ii) 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), **9(6)(a)(ii)** (with Sch.)
- F51** Sch. 2 Pt. 20 Class AB para. AB(4) 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), **9(6)(b)** (with Sch.)

Development not permitted

AB.1. Development is not permitted by Class AB if—

[the permission to use the building as a dwellinghouse has been granted only by virtue of
^{F52}(za) Class MA of Part 3 of this Schedule;]

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;
- (b) on 5th March 2018 the building was in a use other than—
 - (i) a use or mixed use within paragraph AB(2)(a) or (b); or
 - (ii) a use falling within Class C3 of the Schedule to the Use Classes Order;
- (c) the additional storeys are constructed other than on the principal part of the building;
- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;
- (e) the new dwellinghouses are not flats;
- (f) the height of the highest part of the roof of the extended building (not including plant) would be greater than 18 metres;
- (g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part (not including plant, in each case);
- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building (not including plant, in each case) by more than—
 - (i) 3.5 metres, where the existing building consists of one storey; or
 - (ii) 7 metres, where the existing building consists of more than one storey;
- (i) the existing building has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under this Part or otherwise;

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20. (See end of Document for details)

- (j) development under Class AB(3)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (k) development under Class AB(3)(a) would consist of engineering operations other than works within the existing curtilage of the building to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (l) in the case of Class AB(3)(b) development there is no existing plant on the building;
- (m) in the case of Class AB(3)(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (n) development under Class AB(3)(c) would extend beyond the curtilage of the existing building;
- (o) development under Class AB(3)(d) would—
 - (i) extend beyond the curtilage of the existing building;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building; or
- (p) the land or site on which the building is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F52 Sch. 2 Pt. 20 Class AB para. AB.1(z) 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), **12(1)(b)(2)(b)** (with art. 15(3))

Conditions

AB.2.—(1) Where any development under Class AB is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;

- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of —
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under paragraph AB(3)(c) or (d);
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) impacts of the introduction of, or an increase in, a residential use of premises in the area on the carrying on of any trade, business or other use of land in the area;
- (j) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) In sub-paragraph (1)(h), “commercial premises” means any premises in the building or the surrounding area which are normally used for the purpose of carrying on any trade or business, and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment..

(3) Any development under Class AB is permitted subject to the condition that the development must not include a window in any wall or roof slope forming a side elevation of the building.

(4) Any development under Class AB is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(5) Any development under Class AB is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.

(6) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(7) The notification referred to in sub-paragraph (6) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(8) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Class AC - new dwellinghouses on terrace buildings in use as dwellinghouses

Permitted development

AC.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a terrace building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

- (a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;
- (b) one additional storey, in the case of an existing dwellinghouse consisting of one storey, together with any development under sub-paragraph (2).

(2) Development consisting of any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

AC.1. Development is not permitted by Class AC if—

[the permission to use the building as a dwellinghouse has been granted only by virtue of ^{f53}(za) Class MA of Part 3 of this Schedule;]

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;
- (b) on 5th March 2018 the building was in a use other than—
 - (i) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
 - (ii) a use or mixed use within paragraph AA(2)(a) or (b) of this Part;
- (c) the additional storeys are constructed other than on the principal part of the dwellinghouse;
- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (e) the new dwellinghouses are not flats;
- (f) the height of the highest part of the roof of the extended building would be greater than 18 metres;
- (g) the height of the highest part of the roof of the extended building would exceed by more than 3.5 metres the height of the highest part of the roof of every other building in the row of terrace buildings of which it forms part;
- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or

- (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (i) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on permission granted under Class AA of Part 1 or otherwise;
- (j) development under Class AC(2)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (k) development under Class AC(2)(a) would consist of engineering operations other than works within the existing curtilage of the dwellinghouse to—
 - (i) strengthen existing walls;
 - (ii) strengthen existing foundations; or
 - (iii) install or replace water, drainage, electricity, gas or other services;
- (l) development under Class AC(2)(b) would extend beyond the curtilage of the existing dwellinghouse;
- (m) development under Class AC(2)(c) would—
 - (i) extend beyond the curtilage of the existing dwellinghouse;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing dwellinghouse; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing dwellinghouse; or
- (n) the land or site on which the dwellinghouse is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F53 Sch. 2 Pt. 20 Class AC para. AC.1(za) 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), **12(1)(b)(2)(c)** (with art. 15(3))

Conditions

AC.2.—(1) Where any development under Class AC is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the 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 20. (See end of Document for details)

- (e) the external appearance of the building, including—
 - (i) the design and architectural features of—
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) the impact of any works under paragraph AC(2)(b) or (c);
 - (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
 - (g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;
 - (h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,
- and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.
- (2) Any development under Class AC is permitted subject to the following conditions—
 - (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
 - (b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and
 - (c) the development must not include a window in any wall or roof slope forming a side elevation of the dwellinghouse.
 - (3) Any development under Class AC is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.
 - (4) Any development under Class AC is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
 - (5) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.
 - (6) The notification referred to in sub-paragraph (5) must be in writing and must include—
 - (a) the name of the developer;
 - (b) the address or location of the development; and
 - (c) the date of completion.
 - (7) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

Class AD - new dwellinghouses on detached buildings in use as dwellinghouses

Permitted development

AD.—(1) Development consisting of works for the construction of new dwellinghouses immediately above the topmost storey on a detached building in use as a single dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order, where the development comprises—

- (a) up to two additional storeys, in the case of an existing dwellinghouse consisting of two or more storeys;
 - (b) one additional storey, in the case of an existing dwellinghouse consisting of one storey,
- together with any development under sub-paragraph (2).

(2) Development consisting of any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (c) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Development not permitted

AD.1. Development is not permitted by Class AD if—

[the permission to use the building as a dwellinghouse has been granted only by virtue of ^{F54}(za) Class MA of Part 3 of this Schedule;]

- (a) the building was constructed before 1st July 1948 or after 5th March 2018;
- (b) on 5th March 2018 the building was in a use other than—
 - (i) a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or
 - (ii) a use or mixed use within paragraph AA(2)(a) or (b) of this Part;
- (c) the additional storeys are constructed other than on the principal part of the dwellinghouse;
- (d) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
 - (i) 3 metres; or
 - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (f) the new dwellinghouses are not flats;
- (g) the height of the highest part of the roof of the extended building would be greater than 18 metres;
- (h) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
 - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
 - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (i) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original building, whether in reliance on permission granted under Class AA of Part 1, or otherwise;
- (j) development under Class AD(2)(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (k) development under Class AD(2)(a) would consist of engineering operations other than works within the existing curtilage of the dwellinghouse to—
 - (i) strengthen existing walls;

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20. (See end of Document for details)

- (ii) strengthen existing foundations; or
- (iii) install or replace water, drainage, electricity, gas or other services;
- (l) development under Class AD(2)(b) would extend beyond the curtilage of the existing dwellinghouse;
- (m) development under Class AD(2)(c) would—
 - (i) extend beyond the curtilage of the existing dwellinghouse;
 - (ii) be situated on land forward of a wall forming the principal elevation of the existing dwellinghouse; or
 - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing dwellinghouse; or
- (n) the land or site on which the dwellinghouse is located, is or forms part of—
 - (i) article 2(3) land;
 - (ii) a site of special scientific interest;
 - (iii) a listed building or land within its curtilage;
 - (iv) a scheduled monument or land within its curtilage;
 - (v) a safety hazard area;
 - (vi) a military explosives storage area; or
 - (vii) land within 3 kilometres of the perimeter of an aerodrome.

Textual Amendments

F54 Sch. 2 Pt. 20 Class AD para. AD.1(za) 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), **12(1)(b)(2)** (d) (with art. 15(3))

Conditions

AD.2.—(1) Where any development under Class AD is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building, including—
 - (i) the design and architectural features of —
 - (aa) the principal elevation; and
 - (bb) any side elevation that fronts a highway; and
 - (ii) including the impact of any works under paragraph AD(2)(b) or (c);
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;

- (h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

- (2) Any development under Class AD is permitted subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) following the development, the roof pitch of the principal part of the building must be the same as the roof pitch of the principal part of the existing dwellinghouse; and
- (c) the development must not include a window in any wall or roof slope forming a side elevation of the building.

- (3) Any development under Class AD is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

- (4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

- (5) The notification referred to in sub-paragraph (4) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

- (6) Following the development, every dwellinghouse in the building must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.]

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 20.