

SCHEDULE 2

Permitted development rights

PART 3

Changes of use

Class V – changes of use permitted under a permission granted on an application

Procedure for applications for prior approval under Part 3

W.—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which, in relation to development proposed under Class ^{F1}... M, N or Q of this Part, must [^{F2}in the same application] include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
- ^{F3}(ba) in relation to development proposed under Classes [^{F4}G] M, [^{F5}MA,] N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);]
- ^{F6}(bb) in relation to development proposed under Class Q of this Part, a statement specifying—
 - (i) the number of smaller dwellinghouses proposed;
 - (ii) the number of larger dwellinghouses proposed;
 - (iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;]
- ^{F7}(bc) in relation to development proposed under Class [^{F8}G,] M, [^{F9}MA,] N, O, PA or Q of this Part, a floor plan indicating [^{F10}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 elevations of the dwellinghouses;]
- (c) the developer's contact address;
- (d) the developer's email address if the developer is content to receive communications electronically; and
- (e) where sub-paragraph (6) requires the Environment Agency ^{M1} to be consulted, a site-specific flood risk assessment,

together with any fee required to be paid.

^{F11}(2A) Where the application relates to prior approval as to adequate 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.]

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

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- (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, [^{F12}except for conditions in paragraph [^{F13}G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(1)(f),] paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),] limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) 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 ^{M2} where the development is—

- (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.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) 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;
 - (iii) specifies the date by which representations are to be received by the local planning authority; or
- (b) by serving a notice in that [^{F14}form—]
 - [^{F14}(i) on any adjoining owner or occupier; and
 - (ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building]

(9) 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; or
 - (c) details of proposed building or other operations.
- (10) 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-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
 - ^{F15}(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in ^{F16}[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 change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 ^{M3}, 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 ^{M4}, and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.
- (11) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
 - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (12) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
 - (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),
- unless the local planning authority and the developer agree otherwise in writing.

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

^{F17}(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.]

Textual Amendments

- F1** Word in Sch. 2 Pt. 3 para. W(2)(a) 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), **4(20)(a)(i)** (with Sch.)
- F2** Words in Sch. 2 Pt. 3 para. W(2) inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **11(a)**
- F3** Sch. 2 Pt. 3 para. W(2)(ba) inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **10** (with art. 15(2))

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

- F4** Word in Sch. 2 Pt. 3 para. W(2)(ba) 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), **4(20)(a)(ii)** (with Sch.)
- F5** Word in Sch. 2 Pt. 3 para. W(2)(ba) 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), **8(2)(a)** (with art. 15(3))
- F6** Sch. 2 Pt. 3 para. W(2)(bb) inserted (6.4.2018) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (S.I. 2018/343), arts. 1, **11(b)**
- F7** Sch. 2 Pt. 3 para. W(2)(bc) 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), **18(a)**
- F8** Word in Sch. 2 Pt. 3 Class T para. W(2)(bc) 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), **4(20)(a)(iii)** (with Sch.)
- F9** Word in Sch. 2 Pt. 3 para. W(2)(bc) 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), **8(2)(b)(i)** (with art. 15(3))
- F10** Words in Sch. 2 Pt. 3 para. W(2)(bc) 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), **8(2)(b)(ii)** (with art. 15(2)(a)(3))
- F11** Sch. 2 Pt. 3 para. W(2A) 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), **18(b)**
- F12** Words in Sch. 2 Pt. 3 para. W(3) 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), **18(c)**
- F13** Words in Sch. 2 Pt. 3 para. W(3) 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), **4(20)(b)** (with Sch.)
- F14** Words in Sch. 2 Pt. 3 para. W(8)(b) substituted (21.4.2021) by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428), arts. 1(1), **8(3)** (with art. 15(2)(a)(3))
- F15** Sch. 2 Pt. 3 para. W(10)(b) substituted (25.5.2019) by The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (S.I. 2019/907), regs. 1(2), **9**
- F16** Words in Sch. 2 Pt. 3 para. W(10)(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)(b)**
- F17** Sch. 2 Pt. 3 para. W(14) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018 (S.I. 2018/119), **art. 26(2)**

Marginal Citations

- M1** A body established under section 1 of the [Environment Act 1995](#) (c. 25).
- M2** A body established under section 1 of the [Environment Act 1995](#) (c. 25).
- M3** [1990 c. 25](#). Part 2A was inserted by section 57 of the [Environment Act 1995](#) (c. 25). See in particular section 78(2), was amended by section 86 of the [Water Act 2003](#) (c. 37).
- M4** https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf

Changes to legislation:

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