

Status: Point in time view as at 01/08/2021.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 4. (See end of Document for details)

SCHEDULE 2

Permitted development rights

PART 4

Temporary buildings and uses

Class A – temporary buildings and structures

Permitted development

A. *The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.*

Development not permitted

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

- (a) the operations referred to are mining operations, or
- (b) planning permission is required for those operations but is not granted or deemed to be granted.

Conditions

A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

- (a) any building, structure, works, plant or machinery permitted by Class A is removed, and
- (b) any adjoining land on which development permitted by Class A has been carried out is, as soon as reasonably practicable, reinstated to its condition before that development was carried out.

Class B – temporary use of land

Permitted development

B. *The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of—*

- (a) *the holding of a market;*
- (b) *motor car and motorcycle racing including trials of speed, and practising for these activities,*

and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted

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

- ^{F1}(a)

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- (b) the land in question is a building or is within the curtilage of a building;
- (c) the use of the land is for a caravan site;
- (d) the land is, or is within, a site of special scientific interest and the use of the land is for—
 - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
 - (ii) clay pigeon shooting; or
 - (iii) any war game, or
- (e) the use of the land is for the display of an advertisement.

Textual Amendments

- F1** Sch. 2 Pt. 4 para. B.1(a) omitted (6.4.2016) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **11**

^{F2} Class BA - additional temporary use of land during the relevant period

Textual Amendments

- F2** Sch. 2 Pt. 4 Class BA inserted (25.6.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(3), **20**

Permitted development

BA. *The use of any land, in addition to that permitted by Class B of Part 4 of Schedule 2, for any purposes for not more than 28 days in total during the relevant period, of which no more than 14 days in total may be for the purposes of—*

- (a) *the holding of a market;*
- (b) *motor car and motorcycle racing including trials of speed, and practising for these activities,*

and the provision on the land of any moveable structure for the purposes of the permitted use.

Development not permitted

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

- (a) the land in question is a building or is within the curtilage of a listed building;
- (b) the use of the land is for a caravan site;
- (c) the land is, or is within, a site of special scientific interest and the use of the land is for—
 - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
 - (ii) clay pigeon shooting; or
 - (iii) any war game, or
- (d) the use of the land is for the display of an advertisement.

Interpretation of Class BA

BA.2 For the purposes of Class BA—

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class B of Part 4, or Class BA of Part 12, of this Schedule; and

“the relevant period” means [^{F3}1st January 2021 to 31st December 2021].]

Textual Amendments

- F3** Words in Sch. 2 Pt. 4 Class BA para. BA.2 substituted (1.1.2021) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Regulations 2020 \(S.I. 2020/1243\)](#), regs. 1(4), 4

[^{F4}Class BB – moveable structures for specified uses

Textual Amendments

- F4** Sch. 2 Pt. 4 Class BB inserted (16.4.2021) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(Coronavirus\) Order 2021 \(S.I. 2021/467\)](#), arts. 1(1), 2

Permitted development

BB. *Until the end of 1st January 2022, the provision of any moveable structure within the curtilage, and for the purposes, of—*

- (a) *a building used for a purpose within—*
- (i) *article 3(6)(p) or (q) (drinking establishments etc.) of the Use Classes Order; or*
 - (ii) *Class E(b) (sale of food and drink etc.) of Schedule 2 to that Order; or*
- (b) *a historic visitor attraction.*

Development not permitted

BB.1. Development is not permitted by Class BB—

- (a) within the curtilage of a scheduled monument; or
- (b) if the use of the moveable structure is for the display of an advertisement.

Interpretation of Class BB

BB.2. For the purposes of Class BB, “historic visitor attraction” means a listed building accessible by members of the public (whether or not for an entry fee) for the purposes of promoting their enjoyment, and advancing their knowledge, of the building.]

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Class C – use as a state-funded school for [^{F5}2 academic years]

Textual Amendments

- F5** Words in Sch. 2 Pt. 4 Class C heading substituted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **4(a)** (with art. 8)

Permitted development

C. *The use of a building and any land within its curtilage as a state-funded school [^{F6}falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order] for [^{F7}2 academic years].*

Textual Amendments

- F6** Words in Sch. 2 Pt. 4 Class C para. C 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), **5(2)(a)** (with Sch.)
- F7** Words in Sch. 2 Pt. 4 Class C para. C substituted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **4(a)** (with art. 8)

Development not permitted

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

- (a) the existing use of the site is not a class of use specified in [^{F8}Schedule 1 or 2] to the Use Classes Order;
- (b) the site is, or forms part of, a military explosives storage area;
- (c) the site is, or forms part of, a safety hazard area;
- (d) the building is a listed building or a scheduled monument; or
- [^{F9}(e) the building is used for a purpose falling within [^{F10}Class F.2 (local community) of Schedule 2 to the Use Classes Order].]

Textual Amendments

- F8** Words in Sch. 2 Pt. 4 Class C para. C.1(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), **5(2)(b)(i)** (with Sch.)
- F9** Sch. 2 Pt. 4 Class C para. C.1(e) substituted (23.5.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(a)(i)** (with art. 5)
- F10** Words in Sch. 2 Pt. 4 Class C para. C.1(e) 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), **5(2)(b)(ii)** (with Sch.)

Conditions

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

- (a) the site must be approved for use as a state-funded school by the relevant Minister;

- (b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;
- (c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within [^{F11}Class F.1(a) (provision of education) of Schedule 2] to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- [^{F12}(d) the permission is granted for up to 2 academic years and it may only be used once in relation to a particular site;]^{F13}...
- [^{F14}(da) for the purposes of the Use Classes Order as it applies to Class T of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use class it had before changing to the use as a state-funded school;
- (db) for the purposes of Class S of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use as an agricultural building before changing to the use as a state-funded school; and]
- [^{F15}(e) the site reverts to its previous lawful use at the end of the second academic year or when it is no longer required for use as a state-funded school, whichever is earlier; and]
- ^{F16}(f)

Textual Amendments

- F11** Words in Sch. 2 Pt. 4 Class C para. C.2(c) substituted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **5(2)(e)** (with Sch.)
- F12** Sch. 2 Pt. 4 Class C para. C.2(d) substituted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **4(b)** (with art. 8)
- F13** Word in Sch. 2 Pt. 4 Class C para. C.2(d) omitted (25.5.2019) by virtue of [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019 \(S.I. 2019/907\)](#), regs. 1(2), **10(a)**
- F14** Sch. 2 Pt. 4 Class C para. C.2(da)(db) inserted (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), **10(b)**
- F15** Sch. 2 Pt. 4 Class C para. C.2(e) substituted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **4(c)** (with art. 8)
- F16** Sch. 2 Pt. 4 Class C para. C.2(f) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(a)(ii)** (with art. 5)

Interpretation of Class C

C.3 For the purposes of Class C—

“academic year” means any period beginning with 1st August and ending with the next 31st July;

^{F17} ...

^{F17} ...

^{F17} ...

“relevant Minister” means the Secretary of State with policy responsibility for schools;

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“state-funded school” means a school funded wholly or mainly from public funds, including—

- (a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010;
- (b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998;

F17 ...

F17 ...

Textual Amendments

F17 Words in Sch. 2 Pt. 4 Class C para. C.3 omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(a)(iii)** (with art. 5)

^{F18}*Class CA – provision of a temporary state-funded school on previously vacant commercial land*

Textual Amendments

F18 Sch. 2 Pt. 4 Class CA inserted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **5** (with art. 8)

Permitted Development

CA. *Development consisting of the provision of temporary school buildings on vacant commercial land and the use of that land as a state-funded school [^{F19}falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order] for up to 3 academic years.*

Textual Amendments

F19 Words in Sch. 2 Pt. 4 Class CA para. CA 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), **5(3)(a)** (with Sch.)

Development not permitted

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

- (a) the new buildings provided would cover more than 50% of the total area of the site;
- (b) the total floor space of the new buildings provided would exceed 2,500 square metres;
- (c) the land was last used more than 10 years before the date on which the developer applies for prior approval under paragraph CA.2(1)(b);
- (d) the site is, or forms part of—
 - (i) a site of special scientific interest,
 - (ii) a safety hazard area, or
 - (iii) a military explosives storage area;

- (e) where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), any part of any temporary building provided is within 5 metres of the boundary of the curtilage of that residential land; or
- (f) the height of any new building provided would exceed 7 metres.

Conditions

CA.2.—(1) Development is permitted by Class CA subject to the following conditions—

- (a) the site must be approved for use as a state-funded school by the relevant Minister;
- (b) before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—
 - (i) transport and highways impacts of the development,
 - (ii) noise impacts of the development,
 - (iii) contamination risks of the site,
 - (iv) flooding risks on the site, and
 - (v) the siting and design of the development,and the provisions of sub-paragraphs (2) to (13) of paragraph W (prior approval) of Part 3 of this Schedule apply in relation to that application, subject to the modifications in paragraph CA.2(2);
- (c) development under Class CA must begin within a period of 3 years starting with the prior approval date;
- (d) the permission is granted for 3 academic years and it may be used only once in relation to a particular site; and
- (e) any building is removed from the land at the end of the third academic year or, if earlier, when it is no longer required for use as a state-funded school, and the land is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

(2) Sub-paragraphs (2) to (13) of paragraph W (prior approval) of Part 3 of this Schedule are to be read as if—

- (a) in sub-paragraph (2)(a), the words following “proposed development” were omitted;
- (b) sub-paragraph (2)(ba) were omitted; and
- (c) in sub-paragraph (3), the words “in this Part” were omitted.

Interpretation of Class CA

CA.3. For the purposes of Class CA—

“academic year”, “relevant Minister” and “state-funded school” have the meanings given in paragraph C.3;

“prior approval date” means the date on which—

- (a) prior approval is given; or
- (b) a determination that such prior approval is not required is given or the period for giving such a determination set out in paragraph W(11)(c) of Part 3 of this Schedule (as applied with modifications by paragraph CA.2(2)) has expired without the applicant being notified whether prior approval is required, given or refused; and

“vacant commercial land” means any land on which—

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- (a) all buildings have been demolished; and
- (b) [^{F20}which was last used for a purpose falling within one of the following provisions of the Use Classes Order—
 - (i) Class C1 (hotels) of Schedule 1;
 - (ii) Class C2 (residential institutions) of Schedule 1;
 - (iii) Class C2A (secure residential institutions) of Schedule 1;
 - (iv) Class E (commercial, business and service) of Schedule 2.]

Textual Amendments

F20 Words in Sch. 2 Pt. 4 Class CA para. CA.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), **5(3)(b)** (with Sch.)

Class D – [^{F21}commercial, business and service etc to temporary flexible use]

Textual Amendments

F21 Sch. 2 Pt. 4 Class D heading 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), **5(4)(a)** (with Sch.)

Permitted development

D. Development consisting of a change of use of a building and any land within its curtilage—

- [^{F22}(a) from a use falling within one of the following provisions of the Use Classes Order—
 - (i) article 3(6)(n) (betting office);
 - (ii) article 3(6)(o) (pay day loan shop);
 - (iii) article 3(6)(r) (hot food takeaway); or
 - (iv) Class E (commercial, business and service) of Schedule 2,
- (b) to a flexible use falling within one of the following provisions of Schedule 2 to that Order—
 - (i) Class E (commercial, business and service);
 - (ii) Class F.1(b) (display of art);
 - (iii) Class F.1(c) (museum);
 - (iv) Class F.1(d) (public library or public reading room); or
 - (v) Class F.1(e) (public hall or exhibition hall),]

Textual Amendments

F22 Sch. 2 Pt. 4 Class D para. D(a)(b) 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), **5(4)(b)** (with Sch.)

for a single continuous period of up to [^{F23}3 years] beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.

Textual Amendments

F23 Words in Sch. 2 Pt. 4 Class D para. D 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), **11(b)**

Textual Amendments

F23 Words in Sch. 2 Pt. 4 Class D para. D 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), **11(b)**

Development not permitted

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

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area;
- (e) the building is a listed building or a scheduled monument; or
- ^{F24}(f)

Textual Amendments

F24 Sch. 2 Pt. 4 Class D para. D.1(f) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(b)(iii)** (with art. 5)

Conditions

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

- (a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the [^{F25}3 year] period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;
- (c) the site may at any time during the [^{F26}3 year] period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use;

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F27(f)

Textual Amendments

- F25** Words in Sch. 2 Pt. 4 Class D para. D.2(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), **11(c)**
- F26** Words in Sch. 2 Pt. 4 Class D para. D.2(c) 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), **11(c)**
- F27** Sch. 2 Pt. 4 Class D para. D.2(f) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(b)(iv)** (with art. 5)

Interpretation of Class D

D.3 For the purposes of Class D—

F28 ...

“flexible use” means use of any building or land for a use falling within the list of uses set out in Class D(b) and change of use (in accordance with Class D) between any use in that list.

Textual Amendments

- F28** Words in Sch. 2 Pt. 4 Class D para. D.3 omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(b)(v)** (with art. 5)

[F29] Class DA - Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food

Textual Amendments

- F29** Sch. 2 Pt. 4 Class DA inserted (24.3.2020 at 10.00 a.m.) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2020 \(S.I. 2020/330\)](#), arts. 1, 4

Permitted Development

DA. Development consisting of a change of use of a building and any land within its curtilage from—

(a) *a use falling within—*

- [F30(i) article 3(6)(p) (drinking establishments etc.) of the Use Classes Order;
- (ii) article 3(6)(q) (drinking establishments with expanded food provision) of that Order;
- or
- (iii) Class E(b) (sale of food and drink mostly for consumption on the premises) of Schedule 2 to that Order; or]

(b) *a mixed use for any purpose within [F31] article 3(6)(p) and Class E(b), [F32] ...*

F33(c)

to a use, at any time during the period beginning with 10.00 a.m. on 24th March 2020 and ending with [^{F34}23rd March 2022] (“the relevant period”), for the provision of takeaway food.

Textual Amendments

- F30** Sch. 2 Pt. 4 Class DA para. DA(a)(i)-(iii) substituted for Class DA para. DA(i)(ii) (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), **5(5)(a)(i)** (with Sch.)
- F31** Words in Sch. 2 Pt. 4 Class DA para. DA(b) 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), **5(5)(a)(ii)** (with Sch.)
- F32** Word in Sch. 2 Pt. 4 Class DA para. DA(b) 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), **5(5)(a)(iii)** (with Sch.)
- F33** Sch. 2 Pt. 4 Class DA para. DA(c) 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), **5(5)(a)(iv)** (with Sch.)
- F34** Words in Sch. 2 Pt. 4 Class DA para. DA substituted (3.12.2020) by The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020 (S.I. 2020/1243), regs. 1(2), **5**

Conditions

- DA.1.** Development is permitted by Class DA subject to the following conditions—
- the developer must notify the local planning authority if the building and any land within its curtilage is being used, or will be used, for the provision of takeaway food at any time during the relevant period;
 - for the purposes of the Use Classes Order and this Order, change of use to the provision of takeaway food under Class DA during the relevant period does not affect the use class which the building and any land within its curtilage had before the change of use; and
 - if the developer changes use to the provision of takeaway food under Class DA during the relevant period, the use of the building and any land within its curtilage reverts to its previous lawful use at the end of the relevant period or, if earlier, when the developer ceases to provide takeaway food under Class DA.

Interpretation of Class DA

DA.2. For the purposes of Class DA—

the “provision of takeaway food” includes any use for any purpose within [^{F35}article 3(6)(r) of] the Use Classes Order, and any use for the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises.]

Textual Amendments

- F35** Words in Sch. 2 Pt. 4 Class DA para. DA.2 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), **5(5)(b)** (with Sch.)

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Class E – temporary use of buildings or land for film-making purposes

Permitted development

E. Development consisting of—

- (a) *the temporary use of any land or buildings for a period not exceeding 9 months in any 27 month period for the purpose of commercial film-making; and*
- (b) *the provision on such land, during the filming period, of any temporary structures, works, plant or machinery required in connection with that use.*

Development not permitted

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

- (a) the land in question, or the land on which the building in question is situated, is more than 1.5 hectares;
- (b) the use of the land is for overnight accommodation;
- (c) the height of any temporary structure, works, plant or machinery provided under Class E(b) exceeds 15 metres, or 5 metres where any part of the structure, works, plant or machinery is within 10 metres of the curtilage of the land;
- (d) the land or building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area; or
 - (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

E.2—(1) Class E development is permitted subject to the condition that—

- (a) any structure, works, plant or machinery provided under the permission must, as soon as practicable after the end of each filming period, be removed from the land; and
- (b) the land on which any development permitted by Class E has been carried out must, as soon as reasonably practicable after the end of the filming period, be reinstated to its condition before that development was carried out.

(2) Class E development is permitted subject to the condition that before the start of each new filming period the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) the schedule of dates which make up the filming period in question and the hours of operation,
- (b) transport and highways impacts of the development,
- (c) noise impacts of the development,
- (d) light impacts of the development, in particular the effect on any occupier of neighbouring land of any artificial lighting to be used, and
- (e) flooding risks on the site,

and the provisions of paragraph E.3 apply in relation to that application.

Procedure for applications for prior approval under Class E

E.3—(1) The following provisions apply where under Class E 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;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address;
- (d) the developer's email address if the developer is content to receive communications electronically; and
- (e) a site-specific flood risk assessment,

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 Class E 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) 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) On receipt of the application, the local planning authority must consult the Environment Agency^{MI} 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;

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Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 4*. (See end of Document for details)

- (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 form on any adjoining owner or occupier.
- (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; or
 - (b) statements setting out how impacts or risks are to be mitigated.
- (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); and
 - ^{F36}(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.]
- (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 (2),
- 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.

^{F37}(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.]

Textual Amendments

- F36** Sch. 2 Pt. 4 Class E para. E.3(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), **12**
- F37** Sch. 2 Pt. 4 para. E.3(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(3)**

Marginal Citations

- M1** A body established under section 1 of the [Environment Act 1995 \(c. 25\)](#).

Interpretation of Class E

E.4 For the purposes of Class E—

“broadcast or transmission” means—

- (a) broadcast of the film or television programme by—
 - (i) a television programme provider, or
 - (ii) any other person for commercial gain,
- (b) transmission of it, including over the internet, by—
 - (i) a television programme provider, or
 - (ii) any other person for commercial gain, or
- (c) theatrical release of it at the commercial cinema;

“commercial film-making” means filming for broadcast or transmission but does not include the filming of persons paying to visit the site to participate in any leisure activity on that site including—

- (a) motor car and motorcycle racing including trials of speed or other motor sports, and practising for those activities, or
- (b) clay pigeon shooting or any war game;

“filming period” means a period, not exceeding 9 months in total, during which the land or building is used for commercial film-making (including activities preparatory to, or otherwise related to, that film-making) under Class E; and

“television programme provider” has the meaning given in section 99(2) of the Broadcasting Act 1996 ^{M2}.

Marginal Citations

M2 1996 c. 55. There are amendments to section 99 which are not relevant to this Order.

Interpretation of Part 4

F. For the purposes of Part 4—

“site” means the building and any land within its curtilage; and

“war game” means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

Status:

Point in time view as at 01/08/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 4.