

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—

- (a) it would consist of development of a kind described in Class E of this Part (temporary use of land for film-making);

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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.

Class C – use as a state-funded school for a single academic year

Permitted development

C. The use of a building and any land within its curtilage as a state-funded school for a single academic year.

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 the Schedule 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
- (e) the building is a specified building and the development is undertaken during the specified period, regardless of whether any approval or notification has been given in accordance with paragraphs C.2(a) or (b).

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 Class D1 (non-residential institutions) of the Schedule 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;
- (d) the permission is granted for one academic year and it may be used only once in relation to a particular site;
- (e) the site reverts to its previous lawful use at the end of the academic year; and
- (f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—
 - (i) before beginning the development the developer must send a written request to the local planning authority as to whether the building has been nominated, which must include;

- (aa) the address of the building;
- (bb) the developer's contact address; and
- (cc) the developer's email address if the developer is content to receive communications electronically;
- (ii) if the building is nominated, whether at the date of request under paragraph (f)(i) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;
- (iii) the development must not begin before the expiry of a period of 56 days following the date of request under paragraph (f)(i) and must be completed within a period of 1 year of the date of that request.

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;

“community asset” means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012⁽¹⁾;

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011⁽²⁾;

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

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

“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;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

- (a) which is a community asset; or
- (b) in relation to which the local planning authority has notified the developer of a nomination under paragraph C.2(f)(ii); and

“specified period” means—

- (a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph C.2(f)(ii), the period from the date of that notification to the date on which the building is entered onto—
 - (i) a list of assets of community value; or
 - (ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;

(1) [S.I. 2012/2421](#).

(2) [2011 c.20](#).

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- (b) in relation to a building which is a community asset—
 - (i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or
 - (ii) where the building was removed from that list—
 - (aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or
 - (bb) under section 92(4)(a) of the Localism Act 2011 following the local authority's decision on a review that the land concerned should not have been included in the local authority's list of assets of community value,
- the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

Class D – shops, financial, cafes, takeaways, pubs etc to temporary flexible use

Permitted development

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

- (a) *from—*
 - (i) *a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), Class B1 (business), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, or*
 - (ii) *a use as a betting office or pay day loan shop,*
- (b) *to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule,*

for a single continuous period of up to 2 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.

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
- (f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a).

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 2 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 2 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;
- (f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, the conditions set out in paragraphs C.2(f)(i) to (iii) apply.

Interpretation of Class D

D.3 For the purposes of Class D—

“community asset”, “specified building” and “specified period” have the meaning given in paragraph C.3; and

“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.

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;

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- (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⁽³⁾ 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 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
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012⁽⁴⁾, 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;

(3) A body established under section 1 of the Environment Act 1995 (c. 25).

(4) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

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- (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.

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⁽⁵⁾.

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

(5) 1996 c. 55. There are amendments to section 99 which are not relevant to this Order.

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.