

SCHEDULE 2

Permitted development rights

PART 6

Agricultural and forestry

Class E – forestry developments

Permitted development

E. *The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—*

- (a) *works for the erection, extension or alteration of a building;*
- (b) *the formation, alteration or maintenance of private ways;*
- (c) *operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways;*
- (d) *other operations (not including engineering or mining operations).*

Development not permitted

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

- (a) it would consist of or include the provision or alteration of a dwelling;
- (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height;
- (c) any part of the development would be within 25 metres of the metalled portion of a trunk road or classified road; or
- (d) any building for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land which is occupied together with that building for the purposes of forestry.

Conditions

E.2—(1) Subject to sub-paragraph (3), development consisting of the erection of a building or the extension or alteration of a building or the formation or alteration of a private way is permitted by Class E subject to the following conditions—

- (a) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;
- (b) the application must be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;
- (c) the development must not begin before the occurrence of one of the following—
 - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

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- (ii) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval;
 - (iii) the expiry of 28 days following the date on which the application under sub-paragraph (1)(b) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
- (d) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—
- (i) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant;
 - (ii) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (d)(i) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;
- (e) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—
- (i) where prior approval is required, in accordance with the details approved;
 - (ii) where prior approval is not required, in accordance with the details submitted with the application; and
- (f) the development must be carried out—
- (i) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given,
 - (ii) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b).
- (2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.
- (3) Sub-paragraph (1) does not preclude the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

Interpretation of Class E

E.3—(1) For the purposes of Class E—

“significant extension” or “significant alteration” means any extension or alteration, as the case may be, of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building; and

“site notice” means a notice containing—

- (a) the name of the applicant,
- (b) the address or location of the proposed development,
- (c) a description of the proposed development and of the materials to be used,
- (d) a statement that the prior approval of the authority will be required as to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way,

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(e) the name and address of the local planning authority,
and which is signed and dated by or on behalf of the applicant.

(2) For the purposes of Class E, development that is reasonably necessary for the purposes of forestry includes works for the erection, extension or alteration of a building for housing a biomass boiler or an anaerobic digestion system; for storage of fuel for or waste from that boiler or system; or for housing a hydro-turbine.

Changes to legislation:

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