

## SCHEDULE 2

### Permitted development rights

## PART 7

### Non-domestic extensions, alterations etc

*Class A – extensions etc of [<sup>F1</sup>commercial, business or service premises]*

#### Textual Amendments

- F1** Words in Sch. 2 Pt. 7 Class A 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), **6(2)(a)** (with [Sch.](#))

### Permitted development

**A. *The extension or alteration of a [<sup>F2</sup>commercial, business or service] establishment.***

#### Textual Amendments

- F2** Words in Sch. 2 Pt. 7 Class A para. 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), **6(2)(b)** (with [Sch.](#))

### Development not permitted

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

- (a) the gross floor space of the original building would be exceeded by more than—
  - (i) in respect of an original building or a development on—
    - (aa) article 2(3) land, or
    - (bb) a site of special scientific interest,  
25% or 50 square metres (whichever is the lesser);
  - (ii) in any other case, 50% or 100 square metres (whichever is the lesser);
- (b) the height of the building as extended would exceed 4 metres;
- (c) any part of the development (other than an alteration)—
  - (i) is on land which—
    - (aa) adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of [<sup>F3</sup>Schedule 1] to the Use Classes Order,
    - (bb) is article 2(3) land, or
    - (cc) is a site of special scientific interest, and
  - (ii) is within 2 metres of any boundary of the curtilage of the premises;
- (d) the development would be within the curtilage of a listed 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 7. (See end of Document for details)

- (e) any alteration would be on article 2(3) land;
- (f) the development would consist of or include the construction or provision of a verandah, balcony or raised platform;
- (g) any part of the development would extend beyond [<sup>F4</sup>the front of any existing building] ;
- (h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or
- (i) the development would involve the installation or replacement of a security grill or shutter on a shop front.

#### Textual Amendments

- F3** Words in Sch. 2 Pt. 7 Class A para. A.1(c)(i)(aa) 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), **6(2)(c)(i)** (with Sch.)
- F4** Words in Sch. 2 Pt. 7 Class A para. A.1(g) 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), **6(2)(c)(ii)** (with Sch.)

#### Conditions

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

- (a) any alteration is at ground floor level only;
- (b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and
- (c) any extension or alteration is only to be used as part of, or for a purpose incidental to, the use of the [<sup>F5</sup>commercial, business or service] establishment.

#### Textual Amendments

- F5** Words in Sch. 2 Pt. 7 Class A para. A.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), **6(2)(d)** (with Sch.)

#### Interpretation of Class A

**A.3** For the purposes of Class A—

[<sup>F6</sup>“raised platform” means a platform with a height greater than 0.3 metres,] and

[<sup>F6</sup>“ commercial, business or service premises ” means a building, or part of a building, used for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended;]

#### Textual Amendments

- F6** Words in Sch. 2 Pt. 7 Class A para. A.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), **6(2)(e)** (with Sch.)

and where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

### *Class B – construction of shop trolley stores*

#### **Permitted development**

##### ***B. The erection or construction of a trolley store within the curtilage of a shop.***

#### **Development not permitted**

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

- (a) the gross floor space of the building or enclosure erected would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be—
  - (i) within 20 metres of any boundary of the curtilage of; or
  - (ii) above or below,  
any building used for any purpose within Part C (residential premises or institutions) of the Schedule to the Use Classes Order or as a hostel;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be within the curtilage of a listed building; or
- (e) the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres.

#### **Condition**

**B.2** Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

#### **Interpretation of Class B**

##### **B.3** For the purposes of Class B—

“shop” means a building used for any purpose within [F7Class E(a) (display or retail sale of goods other than hot food) of Schedule 2] to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

#### **Textual Amendments**

- F7** Words in Sch. 2 Pt. 7 Class B para. B.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), **6(3)(a)** (with Sch.)

### *Class C – click and collect facilities*

#### **Permitted development**

**C. Development consisting of the erection or construction of a collection facility within the curtilage of a shop.**

## Development not permitted

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

- (a) the development would result in more than 1 collection facility within the curtilage of a shop;
- (b) the gross floor space of the building or structure would exceed 20 square metres;
- (c) the height of the building or structure would exceed 4 metres;
- (d) any part of the development would be within 2 metres of any boundary of the curtilage;
- (e) any part of the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres; or
- (f) any part of the development would be—
  - (i) on article 2(3) land;
  - (ii) in a site of special scientific interest; or
  - (iii) within the curtilage of a listed building or a scheduled monument.

## Conditions

**C.2—**(1) Development is permitted by Class C subject to the condition that 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 development and the following sub-paragraphs apply in relation to that application.

### (2) The application must be accompanied by—

- (a) a written description of the proposed development, which must include details of any building operations proposed;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer's contact address; and
- (d) the developer's email address if the developer is content to receive communications electronically,

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 C as being applicable to the development in question.

(4) Sub-paragraphs (5) and (7) 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) 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.
- (6) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.
- (7) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5);
- (b) have regard to the National Planning Policy Framework issued by the [<sup>F8</sup>Ministry of Housing, Communities and Local Government in July 2021]<sup>F9</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (8) 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.
- (9) 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 (8)(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.
- (10) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.
- [<sup>F10</sup>(11) When computing the number of days in sub-paragraph (5)(a), any day which is a public holiday must be disregarded.]

#### Textual Amendments

- F8** Words in Sch. 2 Pt. 7 Class C para. C.2(7)(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(2)**
- F9** This is a reference to the National Planning Policy Framework, available online at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> and a copy of which may be inspected at the Planning Directorate, the Department for Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.
- F10** Sch. 2 Pt. 7 para. C.2(11) 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(4)**

#### Interpretation of Class C

- C.3** For the purposes of Class C—

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7. (See end of Document for details)

“collection facility” means a building or structure designed to be used by visiting members of the public for the collection of any goods and for the storage of goods awaiting such collection; and

“shop” means a building used for any purpose within [<sup>F11</sup>Class E(a) (display or retail sale of goods other than hot food) of Schedule 2] to the Use Classes Order.

#### Textual Amendments

- F11** Words in Sch. 2 Pt. 7 Class C para. C.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), **6(3)(b)** (with Sch.)

### *Class D – modification of shop loading bays*

#### Permitted development

##### **D. Development consisting of modification of a loading bay of a shop.**

#### Development not permitted

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

- (a) the size of the original loading bay, when measured in any dimension, would be increased by more than 20%; or
- (b) any part of the development would be—
  - (i) on article 2(3) land;
  - (ii) in a site of special scientific interest; or
  - (iii) within the curtilage of a listed building or a scheduled monument.

#### Conditions

**D.2** Development is permitted by Class D subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop.

#### Interpretation of Class D

##### **D.3** For the purposes of Class D—

“goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988 <sup>M1</sup>;

“loading bay” means any facility, including vehicle ramps, for the loading or unloading of goods vehicles; and

“shop” means a building used for any purpose within [<sup>F12</sup>Class E(a) (display or retail sale of goods other than hot food) of Schedule 2] to the Use Classes Order.

#### Textual Amendments

- F12** Words in Sch. 2 Pt. 7 Class D para. D.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), **6(3)(c)** (with Sch.)

#### Marginal Citations

**M1** 1988 c.52.

*Class E – hard surfaces for <sup>F13</sup>commercial, business or service etc premises]*

#### Textual Amendments

**F13** Words in Sch. 2 Pt. 7 Class E 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), **6(4)(a)** (with Sch.)

### Permitted development

#### **E. Development consisting of—**

- <sup>F14</sup>(a) the provision of a hard surface within the curtilage of a building used for a purpose falling within one of the following provisions of the Use Classes Order—
- (i) article 3(6)(p) (drinking establishments etc);
  - (ii) article 3(6)(q) (drinking establishment with expanded food provision);
  - (iii) article 3(6)(r) (hot food takeaway); or
  - (iv) Class E (commercial, business and service) of Schedule 2; or]
- (b) *the replacement in whole or in part of such a surface.*

#### Textual Amendments

**F14** [Sch. 2 Pt. 7 Class E para. E\(a\)](#) 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), **6(4)(b)** (with Sch.)

### Development not permitted

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

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or
- (b) the development would be within the curtilage of a listed building.

### Conditions

#### **E.2** Development is permitted by Class E subject to the following conditions—

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking.

**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7. (See end of Document for details)

## Interpretation of Class E

<sup>F15</sup> **E.3** .....

### Textual Amendments

**F15** Sch. 2 Pt. 7 Class E para. E.3 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), **6(4)(c)** (with Sch.)

*Class F – extensions etc of office buildings*

• <sup>F16</sup> .....

### Textual Amendments

**F16** Sch. 2 Pt. 7 Class F 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), **6(5)** (with Sch.)

*Class G – hard surfaces for office buildings*

• <sup>F17</sup> .....

### Textual Amendments

**F17** Sch. 2 Pt. 7 Class G 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), **6(6)** (with Sch.)

*Class H – extensions etc of industrial and warehouse*

## Permitted development

**H. The erection, extension or alteration of an industrial building or a warehouse.**

## Development not permitted

**H.1** Development is not permitted by Class H if—

- (a) the gross floor space of any new building erected would exceed—
  - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
  - (ii) in any other case, would exceed 200 square metres;
- (b) the gross floor space of the original building would be exceeded by more than—
  - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);



**Changes to legislation:** There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7. (See end of Document for details)

- (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
  - (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);
- (c) the height of any part of the new building erected would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
  - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (d) the height of the building as extended or altered would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
  - (ii) in all other cases, the height of the building being extended or altered;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

## Conditions

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

- (a) the development is within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered is only to be used—
  - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
  - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
- (c) no building as erected, extended or altered is used to provide employee facilities—
  - (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
  - (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999 <sup>M2</sup>;
- (d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
- (e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

## Marginal Citations

**M2** [S.I. 1999/743](#). There are amendments not relevant to this Order.

## Interpretation of Class H

**H.3** For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

**H.4** For the purposes of Class H—

“dangerous substance” has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999;

“employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees; and

“original building” does not include any building erected at any time under Class H.

### *Class I – developments relating to an industrial process*

## Permitted development

**I. Development carried out on industrial land for the purposes of an industrial process consisting of—**

- (a) *the installation of additional or replacement plant or machinery;*
- (b) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or*
- (c) *>the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.*

## Development not permitted

**I.1** Development described in Class I(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

## Interpretation of Class I

**I.2** For the purposes of Class I, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

### *Class J – hard surfaces for industrial and warehouse premises*

## Permitted development

**J. Development consisting of—**

- (a) *the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or*
- (b) *the replacement in whole or in part of such a surface.*

## Development not permitted

**J.1** Development is not permitted by Class J if the development would be within the curtilage of a listed building.

## Conditions

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

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

*Class K – waste deposits from an industrial process*

## Permitted development

**K.** *The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.*

## Development not permitted

**K.1** Development is not permitted by Class K if—

- (a) the waste material is or includes material resulting from the winning and working of minerals; or
- (b) the use on 1st July 1948 was for the deposit of material resulting from the winning and working of minerals.

*Class L – development at waste management facilities*

## Permitted development

**L.** *Development carried out on land used for the purposes of a waste management facility consisting of—*

- (a) *the extension or alteration of a building; and*
- (b) *the installation of replacement plant or machinery.*

## Development not permitted

**L.1** Development described in Class L is not permitted if—

- (a) the gross floor space occupied by the replacement plant or machinery would exceed by more than 15% the gross floor space of the plant or machinery it replaced;
- (b) the development under Class L (together with any previous development under Class L) would result in the area occupied by buildings, plant or machinery on the site exceeding the original area occupied by buildings, plant or machinery by more than—
  - (i) 50%; or

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- (ii) 100 square metres,  
whichever is the lesser;
- (c) the height of any building as extended or altered would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or
  - (ii) in all other cases, the height of the building being extended or altered or 15 metres,  
whichever is the lower;
- (d) the height of any replacement plant or machinery would exceed—
  - (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or
  - (ii) in all other cases, 15 metres;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the site;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles;
- (g) the development would be—
  - (i) on article 2(3) land; or
  - (ii) in a site of special scientific interest;
- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

## Conditions

**L.2** Development is permitted by Class L subject to the condition that any building as extended or altered is only used as part of, or for a purpose incidental to, the use of the site as a waste management facility.

## Interpretation

**L.3** For the purposes of Class L—

“waste management facility” means premises and associated land used for the purposes of any waste operation for which an environmental permit is required under Part 2 of [<sup>F18</sup>the Environmental Permitting (England and Wales) Regulations 2016] or which is an exempt facility under those Regulations; and

“waste operation” has the meaning given in [<sup>F18</sup>the Environmental Permitting (England and Wales) Regulations 2016].

## Textual Amendments

**F18** Words in Sch. 2 Pt. 7 para. L.3 substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016](#) (S.I. 2016/1154), reg. 1(1), **Sch. 29 Pt. 2 para. 86(a)** (with regs. 1(3), 77-79, Sch. 4)

*Class M – extensions etc for schools, colleges, universities <sup>[F19]</sup>, prisons] and hospitals*

#### Textual Amendments

- F19** Word in Sch. 2 Pt. 7 Class M heading 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), **9(2)** (with art. 15(3))

### Permitted development

**M.** *The erection, extension or alteration of a school, college, university <sup>[F20]</sup>, prison] or hospital building.*

#### Textual Amendments

- F20** Word in Sch. 2 Pt. 7 Class M para. M 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), **9(3)** (with art. 15(3))

### Development not permitted

**M.1** Development is not permitted by Class M—

- <sup>[F21]</sup>(a) if the cumulative footprint of any erection, extension or alteration under Class M on or after <sup>[F22]</sup>the relevant date] would exceed the greater of—
- (i) 25% of the cumulative footprint of the school, <sup>[F23]</sup>college,] university, prison or hospital buildings as it was on <sup>[F22]</sup>the relevant date]; or
  - (ii) 250 square metres;]
- (b) <sup>[F24]</sup>in the case of a college, university <sup>[F25]</sup>, prison] or hospital building,] if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;
- <sup>[F26]</sup>(ba) in the case of a school, 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), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;]
- (c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;
- (d) if the height of any new building erected would <sup>[F27]</sup>exceed—
- <sup>[F27]</sup>(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
  - (ii) in all other cases, 6 metres;]
- <sup>[F28]</sup>(da) if the height of any rooftop structure would exceed 1.5 metres;]
- (e) if the height of the building as extended or altered would exceed—
- (i) if within 10 metres of a boundary of the curtilage of the premises, <sup>[F29]</sup>the lesser of the height of the building being extended or altered or] 5 metres; or
  - (ii) in all other cases, the height of the building being extended or altered;
- (f) if the development would be within the curtilage of a listed building; or
- (g) unless—

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7*. (See end of Document for details)

- (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
- (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services [<sup>F30</sup>];
- [<sup>F30</sup>(iii) in the case of prison buildings—
  - (aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners [<sup>F31</sup>; and]
  - [<sup>F32</sup>(bb) in the case of a closed prison, the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on the relevant date.]
  - <sup>F33</sup>(cc) . . . . .]

#### Textual Amendments

- F21** Sch. 2 Pt. 7 Class M para. M.1(a) 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), **9(4)(a)** (with art. 15(3))
- F22** Words in Sch. 2 Pt. 7 para. M.1(a) substituted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(2)(a)**
- F23** Word in Sch. 2 Pt. 7 Class M para. M.1(a)(i) 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), **6(7)** (with Sch.)
- F24** Words in Sch. 2 Pt. 7 Class M para. M.1(b) inserted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **6(b)** (with art. 8)
- F25** Word in Sch. 2 Pt. 7 Class M para. M.1(b) 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), **9(4)(b)** (with art. 15(3))
- F26** Sch. 2 Pt. 7 Class M para. M.1(ba) inserted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **6(c)** (with art. 8)
- F27** Words in Sch. 2 Pt. 7 Class M para. M.1(d) 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), **9(4)(c)** (with art. 15(3))
- F28** Sch. 2 Pt. 7 Class M para. M.1(da) 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), **9(4)(d)** (with art. 15(3))
- F29** Words in Sch. 2 Pt. 7 Class M para. M.1(e)(i) 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), **9(4)(e)** (with art. 15(3))
- F30** Sch. 2 Pt. 7 Class M para. M.1(g)(iii) 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), **9(4)(f)** (with art. 15(3))
- F31** Word in Sch. 2 Pt. 7 para. M.1(g)(iii)(aa) substituted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(2)(b)(i)**
- F32** Sch. 2 Pt. 7 para. M.1(g)(iii)(bb) substituted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(2)(b)(ii)**

**F33** Sch. 2 Pt. 7 para. M.1(g)(iii)(cc) omitted (21.12.2023) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(2)(b)(iii)**

## Conditions

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

- (a) the development is within the curtilage of an existing school, college, university [<sup>F34</sup>, prison] or hospital;
- (b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university [<sup>F34</sup>, prison] or hospital;
- (c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university [<sup>F34</sup>, prison] or hospital buildings; <sup>F35</sup>...
- (d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered [<sup>F36</sup>,]
- [<sup>F36</sup>(e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;
- (f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
  - (i) transport and highways impacts of the proposed development;
  - (ii) the design and external appearance of the erection, extension or alteration; or
  - (iii) the impact of the development on heritage and archaeology;
- (g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);
- (h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval [<sup>F37</sup>date;]]
- [<sup>F38</sup>(i) where proposed development under Class M relates to the erection, extension or alteration of an open prison building, before beginning development the developer must—
  - (i) assess the contamination and flood risks of the development;
  - (ii) identify measures to reduce, so far as practicable, any contamination or flood risks of the development;
  - (iii) where the development is in an area within Flood Zone 3, carry out prior consultation in accordance with paragraph M.2B (procedure for prior consultation under Class M); and
  - (iv) provide written notification to the local planning authority of the proposed development with the documents and information listed in sub-paragraph (j);
- (j) the documents and information specified in sub-paragraph (i)(iv) are—
  - (i) a written description of the proposed development;

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7*. (See end of Document for details)

- (ii) a plan indicating the site and showing the proposed development;
- (iii) a drawing, prepared to an identified scale, showing—
  - (aa) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and
  - (bb) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;
- (iv) the proposed commencement date;
- (v) written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date;
- (vi) the developer's contact address; and
- (vii) the developer's email address if the developer is content to receive communications electronically.]

#### Textual Amendments

- F34** Word in Sch. 2 Pt. 7 Class M para. M.2 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), **9(5)(a)** (with art. 15(3))
- F35** Word in Sch. 2 Pt. 7 Class M para. M.2(c) omitted (21.4.2021) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/428\)](#), arts. 1(1), **9(5)(b)** (with art. 15(3))
- F36** Sch. 2 Pt. 7 Class M para. M.2(e)-(h) 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), **9(5)(c)** (with art. 15(1)(a)(3))
- F37** Word in Sch. 2 Pt. 7 para. M.2(h) substituted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(3)(a)**
- F38** Sch. 2 Pt. 7 para. M.2(i)(j) inserted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(3)(b)**

#### [<sup>F39</sup>Procedure for applications for prior approval under Class M

**M.2A.**—(1) The following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local 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) drawings prepared to an identified scale and showing—
    - (i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and
    - (ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;
  - (d) a written statement in respect of the heritage and archaeological considerations of the development;



- (e) the developer's contact address;
  - (f) the developer's email address if the developer is content to receive communications electronically; and
  - (g) any fee required to be paid.
- (3) Sub-paragraphs (3) to (5) and (7) to (14) of paragraph W of Part 3 apply to an application under this paragraph as they apply to an application under Part 3 as if—
- (a) in sub-paragraph (3)—
    - (i) the words from “except for” to “paragraph Q.2(1)(g)” were omitted;
    - (ii) for “this Part” there were substituted “Class M”;
  - (b) sub-paragraph (10)(c) were omitted.]

#### Textual Amendments

**F39** Sch. 2 Pt. 7 Class M para. M.2A 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), **9(6)** (with art. 15(3))

#### [<sup>F40</sup>Procedure for prior consultation under Class M

**M.2B.**—(1) Where a developer is required to carry out prior consultation under paragraph M.2(i) (iii), the developer must consult the Environment Agency as to the flood risks of the proposed development.

(2) The developer must notify the Environment Agency specifying the date by which the Environment Agency must respond (being 21 days from the date the notice is received or such other period as may be agreed with the Environment Agency) (“the closing date”).

(3) The development must not begin—

(a) before the occurrence of one of the following—

- (i) the receipt by the developer of responses to the consultation required by this paragraph, or
- (ii) the day after the closing date;

(b) in any event, before the developer takes into account any representations received on or before the closing date as a result of consultation under this paragraph.

(4) Where the developer receives representations on or before the closing date, as a result of consultation under this paragraph, the developer must as soon as reasonably practicable send to the local planning authority—

- (a) a copy of the representations, and
- (b) a statement explaining how the developer has taken the representations into account.]

#### Textual Amendments

**F40** Sch. 2 Pt. 7 para. M.2B inserted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(4)**

#### Interpretation of Class M

**M.3** For the purposes of Class M—

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7*. (See end of Document for details)

[<sup>F41</sup>“closed prison” means a prison used for the confinement of prisoners in closed conditions located on a site with a closed perimeter;]

[<sup>F42</sup>“footprint”, in relation to a building, means the total area of ground covered by it;

[<sup>F43</sup>“open prison” means a prison used for the confinement of prisoners in open conditions located on a site without a closed perimeter;]

“original school, college, university, prison or hospital building” means original building which is a school, college, university, prison or hospital building, as the case may be, other than any building erected at any time under Class M;

“prior approval date” has the meaning given in paragraph X of Part 3;

“prison”—

- (a) includes a young offender institution provided pursuant to section 43(1)(a) (places for the detention of young offenders etc) of the Prison Act 1952;
- (b) does not include—
  - (i) a secure training centre or a secure college provided pursuant to, respectively, section 43(1)(b) or (c) of the Prison Act 1952;
  - (ii) premises approved pursuant to section 13(1) (approved premises) of the Offender Management Act 2007;
  - (iii) a bail hostel within the meaning of section 2(2) (other definitions) of the Bail Act 1976;

“published admission number” means the number of pupils of any relevant age group at the school determined by the admission authority under sections 88C and 88D of the School Standards Framework Act 1998;

[<sup>F44</sup>“relevant date” means 21st December 2023 in the case of the development of an open prison building and 21st April 2021 in the case of all other development;]

“rooftop structure” has the meaning given in paragraph D.3 of Part 9;]

“school” does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use) [<sup>F45</sup>or which was erected by virtue of Class CA of Part 4 of this Schedule (temporary buildings and uses)] [<sup>F46</sup>; and

“travel plan” means a long-term management strategy that seeks to deliver sustainable transport objectives]

#### Textual Amendments

- F41** Words in Sch. 2 Pt. 7 para. M.3 inserted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(5)(a)**
- F42** Words in Sch. 2 Pt. 7 Class M para. M.3 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), **9(7)(a)** (with art. 15(3))
- F43** Words in Sch. 2 Pt. 7 para. M.3 inserted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(5)(b)**
- F44** Words in Sch. 2 Pt. 7 para. M.3 inserted (21.12.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2023 \(S.I. 2023/1279\)](#), arts. 1(1), **3(5)(c)**
- F45** Words in Sch. 2 Pt. 7 Class M para. M.3 inserted (6.4.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2017 \(S.I. 2017/391\)](#), arts. 1, **6(d)** (with art. 8)

**F46** Words in Sch. 2 Pt. 7 Class M para. M.3 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), **9(7)(b)** (with art. 15(3))

where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.

*<sup>F47</sup>Class MA – alteration etc. of prison fences*

#### Textual Amendments

**F47** [Sch. 2 Pt. 7 Class MA](#) inserted (26.7.2023) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2023 \(S.I. 2023/747\)](#), arts. 1(1), **4**

#### Permitted development

**MA.** The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in connection with a prison.

#### Development not permitted

**MA.1** Development is not permitted by Class MA if the height of any gate, fence, wall or other means of enclosure would exceed 5.5 metres above ground level.

#### Interpretation

**MA.2** For the purposes of Class MA “prison” has the same meaning as in Class M of this Part.]

*Class N – hard surfaces for schools, colleges, universities or hospitals*

#### Permitted development

**N.** *Development consisting of—*

- (a) *the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or*
- (b) *the replacement in whole or in part of such a surface.*

#### Development not permitted

**N.1** Development is not permitted by Class N if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres;
- (b) as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used; or
- (c) the development would be within the curtilage of a listed building.

## Conditions

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

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
  - (i) the hard surface is made of porous materials, or
  - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.

## Interpretation of Part 7

**O.** For the purposes of Part 7—

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine;

“office building” means a building used for any purpose within [<sup>F48</sup>Class E(g)(i) of Schedule 2] to the Use Classes Order (offices);

“registered nursery” and “state-funded school” have the meanings given in paragraph X of Part 3 of this Schedule (changes of use);

“school”—

- (a) includes a building permitted by Class C of Part 4 (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4;
- (b) except in Class M (extensions etc for schools), includes premises which have changed use under Class S of Part 3 of this Schedule (changes of use) to become a state-funded school <sup>F49</sup>...; and
- (c) includes premises which have changed use under Class T of Part 3 of this Schedule (changes of use) to become a state-funded school <sup>F49</sup>...; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of [<sup>F50</sup>Schedule 1] to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.

### Textual Amendments

**F48** Words in Sch. 2 Pt. 7 para. O 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), [6\(8\)\(a\)](#) (with [Sch.](#))

**F49** Words in Sch. 2 Pt. 7 para. O 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), [6\(8\)\(b\)](#) (with [Sch.](#))

**F50** Words in Sch. 2 Pt. 7 para. O 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), [6\(8\)\(c\)](#) (with [Sch.](#))

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 7.