
STATUTORY INSTRUMENTS

2015 No. 659

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Amendments in relation to the demolition of buildings

5. In Class A(1) of Part 31 of Schedule 2 (demolition of buildings)—
- (a) at the end of paragraph A.1(a) omit “or”;
 - (b) at the end of paragraph A.1(b), for the full stop substitute “; or” and insert—
 - “(c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.”;
 - (c) in paragraph A.2(b) —
 - (i) for paragraph (i) substitute—
 - “(i) the developer shall, before beginning the development—
 - (aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site; and
 - (bb) in cases where the building is not a community asset and is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, send a written request to the local planning authority as to whether the building has been nominated;”;
 - (ii) for paragraph (ii) substitute—
 - “(ii) an application described in sub-paragraph (b)(i)(aa) shall be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with sub-paragraph (b)(iii) and any fee required to be paid;
 - (iia) a request described in sub-paragraph (b)(i)(bb) must include the address of the building, the developer’s contact address and, if the developer is content to receive communications electronically, the developer’s email address;”;
 - (iii) after paragraph (iv) insert—
 - “(iva) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order and the building is nominated, whether at the date of request under sub-paragraph (b)(i)(bb) 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;”;

(iv) after paragraph (v) insert—

“(va) where the building is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, in addition to the requirements of sub-paragraphs (b)(v) and (vii), the development shall not begin before the expiry of a period of 56 days following the date of request under sub-paragraph (b)(i)(bb) and must be completed within a period of 1 year of the date of that request;” and

(v) in paragraph (vii), at the beginning, insert “subject to sub-paragraph (b)(va),”; and

(d) in paragraph A.3 insert the following definitions in the appropriate places—

““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⁽²⁾;

“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⁽³⁾;

“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;

“prior approval event” means, in relation to a particular development—

- (i) the giving of prior approval by the local planning authority in relation to the matters in paragraph A.2(b)(i)(aa);
- (ii) a determination that such approval is not required to be given, or
- (iii) the expiry of the period for giving such a determination without the applicant being notified whether prior approval is required, given or refused;

“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 respect of which the local planning authority has notified the developer of a nomination under paragraph A.2(b)(iva);

“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 A.2(b)(iva), 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;
- (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

(2) S.I. 2012/2421.

(3) 2011 c.20.

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.”