
STATUTORY INSTRUMENTS

2017 No. 391

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017

<i>Made</i>	- - - -	<i>14th March 2017</i>
<i>Laid before Parliament</i>		<i>15th March 2017</i>
<i>Coming into force</i>	- -	<i>6th April 2017</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(1), makes the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017 and comes into force on 6th April 2017.

Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

2. The Town and Country Planning (General Permitted Development) (England) Order 2015(2) is amended as follows.

Amendments in relation to the enlargement, improvement or other alteration of a dwellinghouse

3. In Class A of Part 1 of Schedule 2—

(a) after paragraph A.1(j), insert—

“(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);”;

(b) after paragraph A.2(c), insert—

(1) 1990 c.8. Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152 of the Housing and Planning Act 2016 (c.22).
(2) S.I. 2015/596 has been amended by S.I. 2016/332 and S.I. 2016/1040.

- “(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).”;
- (c) for paragraph A.3(c), substitute—
 - “(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.”;
- (d) after paragraph A.4(2)(a)(iii), insert—
 - “(iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in sub-paragraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);”;
- (e) in paragraph A.4(2)(b), after “development”, insert “and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined”; and
- (f) for paragraph A.4(5)(a), substitute—
 - “(a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);”.

Amendments in relation to the temporary use of a building as a state-funded school

- 4. In Class C of Part 4 of Schedule 2—
 - (a) in the heading and in paragraph C for “a single academic year” substitute “2 academic years”;
 - (b) for paragraph C.2(d), substitute—
 - “(d) the permission is granted for up to 2 academic years and it may only be used once in relation to a particular site;”;
 - (c) for paragraph C.2(e), substitute—
 - “(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”.

Amendments in relation to the temporary use of land for a state-funded school

- 5. In Part 4 of Schedule 2, after Class C insert—

“Class CA – provision of a temporary state-funded school on previously vacant commercial land

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 for up to 3 academic years.

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—

- (a) all buildings have been demolished; and
- (b) which was last used for a purpose falling within Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order or as a school;”.

Amendments in relation to the erection, extension or alteration of a school

6. In Class M of Part 7 of Schedule 2—

- (a) for paragraph M.1(a)(ii), substitute—

“(ii) in the case of a school, 250 square metres and in all other cases, 100 square metres;”;

- (b) in paragraph M.1(b), at the beginning, insert “in the case of a college, university or hospital building;”;

- (c) after paragraph M.1(b), insert—

“(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;”;

- (d) in paragraph M.3, in the paragraph relating to the interpretation of “school”, after “(changes of use)” insert “or which was erected by virtue of Class CA of Part 4 of this Schedule (temporary buildings and uses)”.

Miscellaneous amendments

7.—(1) In paragraph J.1(c) of Part 14 of Schedule 2, after “installed”, insert “on a roof and”.

(2) In paragraph B(e) of Part 15 of Schedule 2, for “undertaking or” substitute “undertaking of”.

Transitional and saving provisions

8.—(1) The amendments made by article 3 of this Order do not apply to—

- (a) development for which information was provided to the local planning authority under paragraph A.4(2) of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 before 6th April 2017; or
- (b) building operations which began before 6th April 2017, provided the development is completed by 6th April 2020.

(2) Where, on or before 6th April 2017, a building is or has been used as a state-funded school under a permission granted by Class C of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 then Class C, as amended by this Order, applies to such a building as if the reference to “2 academic years” were a reference to “a further academic year”.

Signed by authority of the Secretary of State for Communities and Local Government

Gavin Barwell
Minister of State
Department for Communities and Local
Government

14th March 2017

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the General Permitted Development Order”) (S.I. 2015/596).

Article 3 applies where a proposed enlargement of a dwellinghouse is joined to an existing enlargement pursuant to planning permission granted by Class A of Part 1 of Schedule 2 to the General Permitted Development Order. It amends the wording of that Order to make clear that restrictions apply to the size of the total enlargement (i.e. the proposed enlargement together with the existing enlargement).

Article 4 extends from one to two academic years the period for which a building may be used as a state-funded school under Class C of Part 4 of Schedule 2 to the General Permitted Development Order.

Article 5 introduces a new permitted development right to provide a temporary state-funded school for up to three academic years on a site which was previously used for specified commercial purposes but on which all buildings have been demolished.

Article 6 removes certain restrictions relating to floor space and distance from the boundary of the curtilage where schools are developed under Class M of Part 7 of Schedule 2 to the General Permitted Development Order.

Article 7 makes a number of miscellaneous amendments.

Article 8 makes transitional purposes where development took place or was notified to the local planning authority before the entry into force of this Order.

An impact assessment has not been produced for this instrument as no significant impact on the public, private or voluntary sector is foreseen.