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STATUTORY INSTRUMENTS

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**2020 No. 1243**

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020**

**PART 4**

Transitional and saving provisions

**Transitional and saving provisions**

**12.**—(1) Where a prior approval event occurs, the planning permission granted by—

- (a) Class M, N, O, P, PA or Q of Part 3 of Schedule 2; or
- (b) Class A, ZA, AA, AB, AC or AD of Part 20 of Schedule 2,

continues to have effect as if the amendments made by regulation 3 of these Regulations had not been made.

(2) The amendment made by regulation 3 of these Regulations does not have effect in relation to development under—

- (a) Class M, N, O, P, PA or Q of Part 3 of Schedule 2; or
- (b) Class A, ZA, AA, AB, AC or AD of Part 20 of Schedule 2,

where an application for prior approval is submitted before 6th April 2021.

(3) Where a prior approval event occurs, the planning permission granted by Class B of Part 11 of Schedule 2 continues to have effect as if the amendments made by regulation 6 of these Regulations had not been made.

(4) The amendment made by regulation 6 of these Regulations does not have effect in relation to development under Class B of Part 11 of Schedule 2 where an application for prior approval is submitted before 3rd December 2020.

(5) In this regulation—

“excepted matter” means a matter determined under any of the following provisions in relation to a Class mentioned in paragraph (1) or (3) above—

- (a) paragraph M.2 of Class M;
- (b) paragraph N.2 of Class N;
- (c) paragraph O.2 of Class O;
- (d) paragraph P.2 of Class P;
- (e) paragraph PA.2 of Class PA;
- (f) paragraph Q.2 of Class Q;
- (g) paragraph A.2 of Class A;
- (h) paragraph ZA.2 of Class ZA;
- (i) paragraph AA.2 of Class AA;

- (j) paragraph AB.2 of Class AB;
- (k) paragraph AC.2 of Class AC;
- (l) paragraph AD.2 of Class AD;
- (m) paragraph B.2(b)(i) of Class B;

“prior approval application” has the same meaning as in section 69A(2) of the Town and Country Planning Act 1990<sup>(1)</sup>;

“prior approval event” means—

- (a) the giving of prior approval in relation to an excepted matter—
  - (i) before the relevant date;
  - (ii) on or after the relevant date where the prior approval application was submitted to the local planning authority before the relevant date;
  - (iii) on or after the relevant date in relation to an appeal which was lodged under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of notice of refusal of a prior approval application submitted before the relevant date;
- (b) a determination, in writing, that prior approval is not required to be given in relation to an excepted matter—
  - (i) before the relevant date;
  - (ii) on or after the relevant date where the prior approval application in accordance with—
    - (aa) paragraph W of Part 3 of Schedule 2 (in relation to development mentioned in paragraph (1)(a) above); or
    - (bb) paragraph B.2(b)(ii) of Part 11 of Schedule 2 (in relation to development mentioned in paragraph (3) above),
 was submitted to the local planning authority before the relevant date; or
- (c) in relation to a proposed development mentioned in paragraph (1)(a) above, the expiry of 56 days beginning with the date on which the local planning authority received the prior approval application in relation to the proposed development in accordance with paragraph W of Part 3 of Schedule 2 without the local planning authority notifying the applicant, in writing, of their determination as to whether or not such approval is required—
  - (i) before 6th April 2021; or
  - (ii) on or after 6th April 2021 where the prior approval application was submitted before 6th April 2021;

“relevant date” means—

- (a) in relation to planning permission granted under Class B of Part 11 of Schedule 2, 3rd December 2020;
- (b) in relation to planning permission granted under a Class mentioned in paragraph (1) above, 6th April 2021;

“Schedule 2” means Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

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<sup>(1)</sup> Section 69A was inserted by section 17 of the Neighbourhood Planning Act 2017 (c. 20).

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

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