

2020 No. 756

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020

Made - - - - 20th July 2020

Laid before Parliament 21st July 2020

Coming into force - - at 10.00 a.m. on 31st August 2020

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 108(2A), and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order.

Citation and commencement

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020.

(2) This Order comes into force at 10.00 a.m. on 31st August 2020.

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(b) is amended in accordance with articles 3 to 6 of this Order.

Amendment to Article 2

3. In article 2(1) (interpretation), in the definition of “building”, paragraph (a), for “and Class T of Part 19”, substitute “, Class T of Part 19 and Class ZA of Part 20”.

Amendments to Part 20 of Schedule 2

4.—(1) Part 20 (construction of new dwellinghouses) of Schedule 2 is amended as follows.

(2) Before the heading to Class A (new dwellinghouses on detached blocks of flats) in Part 20 of Schedule 2, insert—

(a) 1990 c. 8. Amendments have been made to section 59 which are not relevant to these Regulations. 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). Section 108(2A) was inserted by the Planning Act 2008 (c. 29). Amendments have been made to section 333 which are not relevant to this Order.

(b) S.I. 2015/596, which has been amended by S.I. 2016/332, 2016/765, 2016/1040, 2016/1154, 2017/391, 2017/619, 2017/1011, 2017/1012, 2018/119, 2018/343, 2019/907, 2020/330, 2020/412, and 2020/632.

“Class ZA

Demolition of buildings and construction of new dwellinghouses in their place

Permitted Development

ZA.—(1) Development consisting of works for the demolition of one or other of—

- (a) any building comprising a single purpose-built detached block of flats, and
 - (b) any other single detached building, comprising premises established—
 - (i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,
 - (ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or
 - (iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,
- or for any combination of them,

existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

(2) The building in question is to comprise one or other of—

- (a) a purpose-built detached block of flats, or
- (b) a purpose-built detached dwellinghouse.

(3) The operations in question are—

- (a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;
- (b) works for the removal of plant servicing the old building;
- (c) works for the disconnection of services from the old building;
- (d) works for the removal of any means of access to and egress from the old building;
- (e) works for the removal of storage and waste from the old building;
- (f) works for the installation of plant to service the new building;
- (g) works for the installation of services to be connected to the new building;
- (h) works to enable access to and egress from the new building, including means of escape from fire;
- (i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
- (j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period—
 - (i) starting with their installation no earlier than one month before the beginning of those operations, and
 - (ii) ending with their removal no later than one month after the completion of those operations.

(4) In relation to Class ZA—

“development” includes any change of use from the use of the old building to the use of the new building within Class C3 of the Schedule to the 1987 Order;

“the 1987 Order” means the Use Classes Order as in force on 12 March 2020;

“the old building” and “the new building” respectively mean the building proposed for demolition and the building proposed as replacement; and

“services” means water, drainage, electricity, gas, and other services to the extent reasonably necessary for the new building to function as the building in question as defined by sub-paragraph (2) above.

Development not permitted

ZA.1 Development is not permitted by Class ZA—

- (a) if land covered by, or within the curtilage of, the old building—
 - (i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
 - (ii) is or forms part of article 2(3) land;
 - (iii) is or forms part of a site of special scientific interest;
 - (iv) is or forms part of a listed building or land within its curtilage;
 - (v) is or forms part of a scheduled monument or land within its curtilage;
 - (vi) is or forms part of a safety hazard area;
 - (vii) is or forms part of a military explosives storage area; or
 - (viii) is within 3 kilometres of the perimeter of an aerodrome;
- (b) if the old building was constructed after 31 December 1989;
- (c) if the footprint of the old building exceeds 1,000 square metres;
- (d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;
- (e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;
- (f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);
- (g) if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);
- (h) if any of the footprint of the new building falls outside the footprint of the old building;
- (i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;
- (j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of—
 - (i) 7 metres above the height (not including plant) of old building; or
 - (ii) 18 metres,
above ground level;
- (k) if the new building has more than $X + 2$ storeys, where “X” is the number of storeys in the old building;
- (l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of—
 - (i) the floor to ceiling height, measured internally, of any storey in the old building; or
 - (ii) 3 metres; or
- (m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

Conditions

ZA.2—(1) Development under Class ZA is permitted subject to the following conditions.

(2) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) contamination risks in relation to the new building;
- (c) flooding risks in relation to the new building;
- (d) the design of the new building;
- (e) the external appearance of the new building;
- (f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
- (g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;
- (j) the impact of the development on heritage and archaeology;
- (k) the method of demolition of the old building;
- (l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and
- (m) any—
 - (i) air traffic and defence asset impacts of the development, and
 - (ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State^(a),
unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

(3) In sub-paragraph (1)(h), “commercial premises” means any premises in the surrounding area which are normally used for the purpose of any commercial or industrial undertaking which existed on the date of the application under sub-paragraph (2), and includes premises licensed under the Licensing Act 2003^(b) or any other place of public entertainment.

(4) When the developer applies under sub-paragraph (2), paragraph B (procedure for applications for prior approval under Part 20) applies to the application and the material covered by paragraph B(1A) to B(1C).

(5) Any development under Class ZA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(6) Any development under Class ZA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which is acceptable to the authority and sets out the method of demolition, the proposed development hours of operation and how any adverse impact of noise, dust and vibration and traffic on occupiers of the new building and adjoining owners or occupiers will be mitigated, the proposed use

(a) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(b) 2003 c. 17.

of materials, and the plans for the disposal and recycling of waste generated by the development and that in carrying out the development the developer must comply with the report.

(7) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(8) The notification referred to in sub-paragraph (6) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(9) Any new dwellinghouse created under Class ZA is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the 1987 Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.”.

Amendments to Paragraphs B and C of Part 20 of Schedule 2

5.—(1) Paragraph B (procedure for applications for prior approval under Part 20) is amended as follows.

(2) After sub-paragraph (1), insert—

“(1A) The application, if made in relation to development proposed under Class ZA, must be accompanied by—

- (a) a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed under paragraph ZA(3);
- (b) a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;
- (c) drawings prepared to an identified scale and showing external dimensions and elevations of—
 - (i) the building proposed for demolition,
 - (ii) the building scheduled as replacement,and, in the direction of North, the positioning of each, together with the applicable information called for by sub-paragraph (1B);
- (d) a written statement specifying—
 - (i) the number of dwellinghouses in the building proposed for demolition, and
 - (ii) the number of new dwellinghouses proposed in the building proposed as replacement,
- (e) where sub-paragraph (6) requires the Environment Agency^(a) to be consulted, a site-specific flood risk assessment;
- (f) a written statement in respect of heritage and archaeological considerations of the development;
- (g) the developer’s contact address; and
- (h) the developer’s email address if the developer is content to receive communications electronically;

together with any fee required to be paid.

(1B) The information referred to in sub-paragraph (1A)(c), which so far as practicable, is to be presented in the direction of North and to show elevations is—

(a) A body established under section 1 of the Environment Act 1995 (c. 25).

- (a) where the building proposed as replacement is a block of flats—
 - (i) the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it, and
 - (ii) the dimensions and use of all habitable and other rooms in each dwellinghouse in it;
 - (b) where the building proposed as replacement is a single dwellinghouse—
 - (i) the position and dimensions of the windows, doors and walls in it, and
 - (ii) the dimensions and use of all habitable and other rooms in it.
- (1C) Sub-paragraph (2) does not apply to any application made in relation to development proposed under Class ZA.”.
- (3) After sub-paragraph (10), insert—
- “(10A) Where the application relates to a prior approval as to the impact of the development on heritage and archaeology, the local planning authority must so far as they consider reasonably practicable consult any bodies that they consider to have heritage and archaeological expertise relevant to their functions under Part 3 of the Act and this Order.”.
- (4) In sub-paragraph (11), for “(7) and (10)”, substitute “(7), (10) and (10A)”.
- (5) In sub-paragraph (12)(b), at the start, insert “unless the proposed development falls within Class ZA,”.
- 6.** In paragraph C (interpretation of Part 20) of Part 20 of Schedule 2—
- (a) before the definition of “block of flats”, insert—
 - ““agricultural tenancy” means a tenancy under—
 - (a) the Agricultural Holdings Act 1986(a); or
 - (b) the Agricultural Tenancies Act 1995(b);”;
 - (b) after the definition of “flat”, insert—
 - ““footprint”, in relation to a building, means the total area of ground covered by it;”;
 - and
 - (c) for the definition of “purpose-built”, substitute—
 - ““purpose-built”, in relation to a building (whether a block of flats or a dwellinghouse), means built as such and remaining as such;”.

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

Christopher Pincher
Minister of State

20th July 2020

Ministry of Housing, Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

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

Article 4(2) inserts into Part 20 of Schedule 2 to the 2015 Order a new permitted development right. Class ZA allows for the demolition of a single detached building in existence on 12 March 2020 that was used for office, research and development or industrial processes, or a free-standing purpose-built block of flats, and its replacement by an individual detached block of flats or a single detached dwellinghouse within the footprint of the old building. The old building should

(a) 1986 (c. 5).
(b) 1995 (c. 8).

have a footprint no larger than 1,000 square metres and be no higher than 18 metres. The old building must have been built before 1990 and have been vacant for at least six months before the date of the application for prior approval. The right provides permission for works for the construction of a new building that can be up to two storeys higher than the old building with a maximum overall height of 18 metres. In particular there is an essential prior approval process.

Otherwise the Order covers incidental and consequential matters.

An assessment of impact is being published alongside this instrument at www.legislation.gov.uk. An Explanatory Memorandum is also published alongside this instrument at that address. A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is being produced by the Ministry of Housing, Communities and Local Government and will also be published at www.legislation.gov.uk and copies may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street London, SW1P 4DF.

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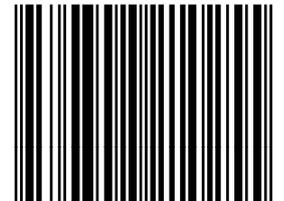
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