
STATUTORY INSTRUMENTS

2021 No. 746

The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021

PART 2

Insertion of new article 9A

4. After article 9 insert—

“Fire Statements

9A.—(1) Paragraph (4) applies to an application for planning permission for—

- (a) development which involves the provision of one or more buildings⁽¹⁾ to which paragraph (2) applies (“a relevant building”);
- (b) development of an existing relevant building; or
- (c) development within the curtilage of a relevant building.

(2) This paragraph applies to a building which satisfies the height condition in paragraph (3) and contains—

- (a) two or more dwellings; or
- (b) educational accommodation.

(3) The height condition is that—

- (a) the building is 18 metres or more in height; or
- (b) the building contains 7 or more storeys.

(4) An application for planning permission to which this paragraph applies, must, except where paragraph (6) applies, be accompanied by a statement (“a fire statement”) about the fire safety design principles, concepts and standards that have been applied to the development.

(5) A fire statement must—

- (a) be on a form published by the Secretary of State (or a form substantially to the same effect); and
- (b) include the particulars specified or referred to in the form.

(6) This paragraph applies—

- (a) where—
 - (i) the application is for a material change in use of a relevant building; and

⁽¹⁾ See section 336 of the 1990 Act for the definition of “building”.

- (ii) the material change of use would result in the building no longer being a relevant building;
- (b) where the application is—
 - (i) for a material change in use of land or buildings within the curtilage of a relevant building; and
 - (ii) the material change of use would not result in the provision of one or more relevant buildings;
- (c) to an application for outline planning permission⁽²⁾;
- (d) to an application for permission to develop land without compliance with conditions previously attached made pursuant to section 73 of the 1990 Act.
- (7) For the purpose of paragraph (3)—
 - (a) the height of a building is to be measured from ground level to the top floor surface of the top storey of the building (ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms);
 - (b) when determining the number of storeys a building has—
 - (i) any storey which is below ground level is to be ignored; and
 - (ii) any mezzanine floor is a storey if its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.
- (8) For the purpose of this article a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building.
- (9) In this article—
 - “16 to 19 Academy” has the meaning given by section 1B of the Academies Act 2010⁽³⁾;
 - “boarder” includes a student who boards during the week but not at weekends;
 - “dwelling” includes a flat;
 - “educational accommodation” means—
 - (a) residential accommodation for the use of students who are boarders at school in connection with them attending a school; or
 - (b) residential accommodation for the use of students attending higher education courses, further education courses or courses at 16 to 19 Academies;
 - “further education” has the meaning given by section 2 of the Education Act 1996⁽⁴⁾;
 - “ground level”, in relation to a building, means the level of the surface of the ground immediately adjacent to the building or, where the level of the surface of the ground on which the building is situated or is to be situated is not uniform, the level of the lowest part of the surface of the ground adjacent to it;
 - “higher education course” means a course of any description mentioned in Schedule 6 to the Education Reform Act 1988⁽⁵⁾ or an equivalent course outside England;

(2) See section 92 of the 1990 Act for the definition of “outline planning permission”.

(3) 2010 c. 32. Section 1B was inserted by section 53(7) of the 2011 Act.

(4) 1996 c. 56. Section 2 has been amended by section 110(1) of the 2000 Act, paragraph 7 of Schedule 2 to S.I. 2010/1158, sections 156 and 177, paragraph 6(2) of Schedule 7(2), paragraph 33 of Schedule 21 and paragraph 1 of Schedule 22(3) to the Education Act 2002 (c. 32) (“the 2002 Act”).

(5) 1988 c. 40.

“school” has the meaning given by section 4 of the Education Act 1996(6).”.

(6) Section 4 has been amended by section 51, paragraph 10 of Schedule 7 and paragraph 1 of Schedule 8 to the Education Act 1997 (c. 44), paragraph 1 of Schedule 22 to the 2002 Act, paragraph 9 of Schedule 13 to the 2011 Act; paragraph 97 of Schedule 1 to [S.I. 2010/1080](#) and regulation 7 of [S.I. 2019/1027](#).