
STATUTORY INSTRUMENTS

2023 No. 747

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023

Amendment to Part 4 (temporary buildings and uses)

- 3.—(1) Part 4 is amended in accordance with paragraphs (2) to (4).
- (2) In Class B (temporary use of land)—
- (a) for paragraph B.1(c) substitute—
 - “(c) the use of the land is for the siting of any caravan⁽¹⁾ except a caravan which—
 - (i) is a motor vehicle designed or adapted for human habitation; and
 - (ii) is sited on the land in connection with a festival;”;
 - (b) at the end of paragraph B.1(d)(iii) for “, or” substitute “;”;
 - (c) at the end of paragraph B.1(e) for “.” substitute—
 - “; or
 - (f) the use of land is for camping, except when in connection with a festival.”.
- (3) After Class BB (moveable structures for historic visitor attractions and listed pubs, restaurants etc.) insert—

“Class BC – temporary recreational campsites

Permitted development

BC. Development consisting of—

- (a) the use of any land as a recreational campsite for not more than 60 days in total in any calendar year; and
- (b) the provision on such land of—
 - (i) not more than 50 pitches; and
 - (ii) any moveable structure reasonably necessary for the purposes of the permitted use.

Development not permitted

BC.1 Development is not permitted by Class BC—

- (a) on a site of a scheduled monument;
- (b) in a safety hazard area;
- (c) in a military explosives storage area;

(1) “Caravan” is defined in section 29(1) of the Caravan Sites and Control of Development Act 1960 (c. 62) (that definition being relied on in the GPDO (see Article 2)).

- (d) on a site of special scientific interest;
- (e) on a site of a listed building;
- (f) for the siting of any caravan except a caravan which is used as a motor vehicle designed or adapted for human habitation.

Conditions

BC.2 Development is permitted by Class BC subject to the following conditions—

- (a) the developer must make on-site provision for users of the campsite of toilet and waste disposal facilities;
- (b) the developer must notify the local planning authority in writing before commencement of development in each calendar year, providing a copy of the site plan, which must include particulars of—
 - (i) toilet and waste disposal facilities; and
 - (ii) the dates on which the site will be in use;
- (c) the local planning authority (if not the same body as the fire and rescue authority in an area) must as soon as practicable provide to the relevant fire and rescue authority the notice described in paragraph BC.2(b); and
- (d) where the proposed development is on land within Flood Zone 2 or Flood Zone 3, the permitted development is subject to prior approval by the local planning authority before commencement of development in each calendar year.

Procedure for applications for prior approval under Class BC

BC.3.—(1) The following provisions apply where under Class BC a developer is required to apply to the local planning authority for prior approval.

- (2) The application must be accompanied by—
 - (a) a site-specific flood risk assessment, including provision for warning and evacuation; and
 - (b) any fee required to be paid.
- (3) On receipt of the application, the local planning authority must notify and consult the Environment Agency specifying the date by which they must respond (being not less than 21 days from the date the notice is given).
- (4) The local planning authority must, when determining the application—
 - (a) take into account the response by the Environment Agency; and
 - (b) have regard to the National Planning Policy Framework issued by the Department for Levelling Up, Housing and Communities in July 2021⁽²⁾ so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (5) The development must not begin before either—
 - (a) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or
 - (b) the expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(2) This is a reference to the National Planning Policy Framework, available online at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> and a copy of which may be inspected by appointment at the Planning Directorate, the Department of Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.

- (6) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. ”.
- (4) In Class E (temporary use of buildings or land for film-making purposes)—
- (a) in paragraph E(a) (permitted development), and in paragraph E.4 (interpretation of Class E) in the definition of “filming period”, for “9 months” substitute “12 months”;
 - (b) in paragraph E.1(a) (development not permitted), for “1.5 hectares” substitute “3 hectares”; and
 - (c) in paragraph E.1(c), for “15 metres” substitute “20 metres”.