
STATUTORY INSTRUMENTS

2023 No. 747

TOWN AND COUNTRY PLANNING, ENGLAND

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

<i>Made</i>	- - - -	<i>3rd July 2023</i>
<i>Laid before Parliament</i>		<i>5th July 2023</i>
<i>Coming into force</i>	- -	<i>26th July 2023</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 108(2A), (3C), (5), (6) and 333(7) of the Town and Country Planning Act 1990⁽¹⁾ and section 54 of the Planning and Compulsory Purchase Act 2004⁽²⁾, makes the following Order:

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023 and comes into force on 26th July 2023.

(2) This Order extends to England and Wales.

(3) In this Order, “the GPDO” means the Town and Country Planning (General Permitted Development) (England) Order 2015⁽³⁾.

Amendment to the Schedule 2 (permitted development rights) to the GPDO

2. Schedule 2 to the GPDO is amended in accordance with articles 3 to 5.

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)—

(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) (“the 2013 Act”) and section 152 of the Housing and Planning Act 2016 (c. 22) (“the 2016 Act”); section 108(2A) and (3C) were inserted by section 189 of the Planning Act 2008 (c. 29) (“the 2008 Act”) and amended by S.I. 2012/210 and paragraph 29(5), (6) and (7) of Schedule 12 to the 2016 Act; section 333(1) was amended by paragraph 32(12) of Schedule 10 to the Environment Act 1995 (c. 25); and section 333(2A) was inserted by paragraph 14(2) of Schedule 6 to the Planning and Compulsory Purchase Act 2004 (c. 5).

(2) 2004 c. 5.

(3) S.I. 2015/596, which has been amended by S.I.s 2016/332, 2016/765, 2016/722, 2016/1040, 2016/1154, 2017/391, 2017/571, 2017/619, 2017/1011, 2017/1012, 2018/119, 2018/343, 2018/695, 2019/907, 2020/330, 2020/412, 2020/632, 2020/755, 2020/756, 2020/1243, 2020/1459, 2021/428, 2021/467, 2021/814, 2021/1464 and 2022/278.

- (a) for paragraph B.1(c) substitute—
 - “(c) the use of the land is for the siting of any caravan⁽⁴⁾ 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;
- (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

(4) “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)).

- (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⁽⁵⁾ 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.

(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”.

Amendment to Part 7 (non-domestic extensions, alterations etc.)

4. In Part 7, after Class M (extensions etc. for schools, colleges, universities, prisons and hospitals) insert—

(5) 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.

“Class MA – alteration etc. of prison fences

Permitted development

MA. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure in connection with a prison.

Development not permitted

MA.1 Development is not permitted by Class MA if the height of any gate, fence, wall or other means of enclosure would exceed 5.5 metres above ground level.

Interpretation

MA.2 For the purposes of Class MA “prison” has the same meaning as in Class M of this Part.”.

Amendment to Part 12 of Schedule 2 (development by local authorities)

5.—(1) Part 12 of Schedule 2 is amended in accordance with paragraphs (2) and (3).

(2) In Class A, in paragraph A (permitted development) after “by” in the first and second place it occurs insert “or on behalf of”.

(3) In paragraph C (interpretation of Part 12), after the words “parish council” insert “, a National Park authority and the Broads Authority”.

Amendment to the Town and Country Planning (Compensation) (England) Regulations 2015

6. In regulation 2 (prescribed development) of the Town and Country Planning (Compensation) (England) Regulations 2015~~(6)~~—

- (a) in paragraph (d) after the word “Classes” insert “B,” and after “BB,” insert “BC,”; and
- (b) in paragraph (e) after “M” insert “, MA”.

Amendment to the Town and Country Planning (Development Management Procedure) (England) Order 2015

7. In article 22 (duty to respond to consultation) of the Town and Country Planning (Development Management Procedure) (England) Order 2015~~(7)~~, in sub-paragraph 1(e)—

- (a) for “paragraph” substitute “paragraphs BC.2(d),”; and
- (b) for “filming” substitute “temporary buildings and uses”.

Transitional provision

8. Class B of Part 4 of Schedule 2 of the GPDO has effect until the end of 25th July 2024 as if the amendments in article 3(2) had not been made.

(6) [S.I. 2015/598](#). Regulation 2(d) has been amended by [S.I. 2017/392](#).

(7) [S.I. 2015/595](#). Amendments have been made to Article 22 which are not relevant to this Order.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

3rd July 2023

Rachel Maclean
Minister of State
Department for Levelling Up, Housing and
Communities

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 GPDO”). The GPDO provides for the granting of permission for certain classes of development without the requirement for a planning application to be made under Part 3 of that Act.

Article 3 amends Class B of Part 4 (temporary use of land) of Schedule 2 to the GPDO to disapply the use of this permitted development right for a recreational campsite other than in connection with a festival. It also specifies that development is not permitted for the siting of any caravan except a caravan which is a motor vehicle designed or adapted for human habitation, in connection with a festival. Further, article 3 also inserts new Class BC (temporary recreational campsites) into Part 4 of Schedule 2 to the GPDO to allow the temporary use of land as a recreational campsite for up to 60 days total in a calendar year. Article 3 additionally amends Class E of Part 4 (temporary use of buildings or land for film-making purposes) of Schedule 2 to the GPDO to increase the maximum period of time that land or a building can be used for the purpose of commercial film-making from 9 months to 12 months in any 27 month period; doubles the maximum area of land that the permitted development right applies to from 1.5 hectares to 3 hectares; and increases the maximum height of any temporary structure, works, plant or machinery provided under the permitted development right from 15 metres to 20 metres.

Article 4 inserts new Class MA (alteration etc. of prison fences) into Part 7 of Schedule 2 to the GPDO to allow for the erection or alteration etc of a prison fence of up to 5.5 metres above ground level.

Article 5 amends Class A (development by local authorities) of Part 12 of Schedule 2 to the GPDO to allow bodies acting on behalf of a local authority or urban development corporation to undertake the works prescribed in the permitted development right. Article 5 also adds a National Park authority and the Broads Authority to the definition of local authority for the purposes of Part 12 of the GPDO.

Article 6 makes an amendment to the Town and Country Planning (Compensation) (England) Regulations 2015 to add Class B of Part 4, Class BC of Part 4 and Class MA of Part 7 to the list of development prescribed for the purposes of subsections (2A)(a) and (3C)(a) of section 108 (compensation where planning permission granted by development order is withdrawn) of the Town and Country Planning Act 1990.

Article 7 makes an amendment to the Town and Country Planning (Development Management Procedure) (England) Order 2015 to add Class BC of Part 4 to Article 22 placing a duty on the Environment Agency to respond to consultation.

Article 8 introduces a transitional provision for the amendments made to Class B of Part 4 so that they do not come into effect until the end of 25th July 2024.

An Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk.

An impact assessment has not been produced for this instrument.