

**2020 No. 1459**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 4) Order 2020**

<i>Made</i> - - - -	<i>7th December 2020</i>
<i>Laid before Parliament</i>	<i>9th December 2020</i>
<i>Coming into force</i> - -	<i>30th December 2020</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60(1), 61 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. 4) Order 2020.

(2) This Order comes into force on 30th December 2020.

**Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015**

**2.**—(1) Part 20 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015(b) is amended as follows.

(2) In paragraph A.2(1)—

- (a) omit “and” at the end of paragraph (g);
- (b) after paragraph (h) (and immediately before the words that follow that paragraph) insert—

“and

- (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building.”.

(3) In paragraph AA.2(1), after paragraph (j) (and immediately before the words that follow that paragraph) insert—

“and

- (k) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building.”.

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(a) 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) and section 152 of the Housing and Planning Act 2016 (c. 22).

(b) S.I. 2015/596 amended by S.I. 2016/332, S.I. 2016/765, S.I. 2016/1040, S.I. 2016/1154, S.I. 2017/391, S.I. 2017/571, S.I. 2017/619, S.I. 2017/1011, S.I. 2017/1012, S.I. 2018/119, S.I. 2018/343, S.I. 2018/695, S.I. 2019/907, S.I. 2020/330, S.I. 2020/412, S.I. 2020/632, S.I. 2020/755, S.I. 2020/756 and S.I. 2020/1243.

(4) In paragraph B—

(a) in sub-paragraph (2)—

(i) omit “and” at the end of paragraph (g);

(ii) after paragraph (h) (and immediately before the words following that paragraph) insert—

“and

(i) where the application for prior approval relates to the requirement mentioned in paragraph A.2(1)(i) or AA.2(1)(k), a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010(a),”.

(b) after sub-paragraph (9) insert—

“(9A) Where the application relates to prior approval under paragraph A.2(1)(i) or AA.2(1)(k), the local planning authority must refuse prior approval if the application is not accompanied by the report mentioned in subparagraph (2)(i) above.”.

### **Transitional and savings provisions**

**3.—**(1) The amendment made by article 2 of this Order does not have effect in relation to development under Class A or AA of Part 20 to Schedule 2 to the GPDO where a prior approval application is submitted before 30th December 2020.

(2) Where a prior approval event occurs, the planning permission granted by Class A or AA of Part 20 of Schedule 2 to the GPDO continues to have effect as if the amendments made by article 2 of this Order had not been made.

(3) In this article—

“the GPDO” means the Town and Country Planning (General Permitted Development) (England) Order 2015;

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

“prior approval event” means the giving of prior approval in relation to a matter determined under paragraph A.2 of Class A or paragraph AA.2 of Class AA of Part 20 of Schedule 2 to the GPDO—

(a) before 30th December 2020;

(b) on or after the 30th December 2020 where the prior approval application was submitted to the local planning authority before the 30<sup>th</sup> December 2020;

(c) on or after the 30th December 2020 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 30th December 2020.

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

*Christopher Pincher*  
Minister for Housing

7th December 2020

Ministry of Housing, Communities and Local Government

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(a) S.I. 2010/2214. These regulations have been amended however none of the amendments is relevant to this Order.

(b) 1990 c.8. Section 69A was inserted by the Neighbourhood Planning Act (c.20), section 17.

## **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) (“the GPDO”).

Article 2 amends Class A and Class AA of Part 20 of Schedule 2 to the GPDO. It introduces a requirement for a developer seeking prior approval under those classes in relation to an existing building, which is 18 metres or more in height, to provide a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214) to the local planning authority.

Article 3 makes transitional and saving provision applicable where a prior approval application was made or prior approval event occurred before the coming into force of the amendments made by article 2.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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