

2023 No. 1110

TOWN AND COUNTRY PLANNING, ENGLAND

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

<i>Made</i>	- - - -	<i>23rd October 2023</i>
<i>Laid before Parliament</i>		<i>24th October 2023</i>
<i>Coming into force</i>		<i>25th October 2023</i>

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

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2023 and comes into force on 25th October 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(b).

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

2. In Part 4 (temporary buildings and uses) of Schedule 2 to the GPDO, after Class CA(c) (provision of a temporary state-funded school on previously vacant commercial land) insert—

“Class CB – temporary provision of buildings for a school with a RAAC-affected building

Permitted Development

CB. The temporary provision of buildings on school land where the school has a RAAC-affected building.

Development not permitted

CB.1. Development is not permitted by Class CB—

- (a) if the school land covered by the building provided is, or forms part of—
 - (i) a site of special scientific interest,
 - (ii) a safety hazard area,

(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). Amendments have been made to section 333 which are not relevant to this Order.
(b) S.I. 2015/596, as amended by S.I. 2017/391. There are other amending instruments, but none are relevant.
(c) Class CA was inserted by S.I. 2017/391.

- (iii) a military explosives storage area, or
- (iv) a scheduled monument or land within its curtilage;
- (b) if any part of any building provided would be within 5 metres of the boundary of the curtilage of land adjacent to the school land, where that adjacent land is used for a purpose within Part C (residential purposes) of Schedule 1 to the Use Classes Order(a);
- (c) if any building provided would have more than two storeys;
- (d) if the height of any building provided would exceed 9 metres;
- (e) after the end of the period of three years beginning on 25th October 2023 and ending at 11.59 p.m. on 24th October 2026.

Conditions

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

- (a) the combined floor space of any buildings provided under Class CB is not more than 125% of the combined floor space of the parts of the RAAC-affected buildings which have been vacated due to the presence of RAAC;
- (b) at the relevant time, the school must provide a written notification to the local planning authority which includes all of the following—
 - (i) the date or expected date of the beginning of development;
 - (ii) the address of the school;
 - (iii) the contact address for the school;
 - (iv) the size of the area, in square metres, of the combined floor space of the parts of the RAAC-affected buildings which have been vacated due to the presence of RAAC;
 - (v) the size of the area, in square metres, of the combined floor space of any buildings which form part of this development and any buildings provided under previous developments under Class CB (excluding buildings which are no longer provided);
 - (vi) a written description of the development;
 - (vii) a plan indicating the school's school land, and any buildings on that land, and showing the development;
 - (viii) confirmation that there is a RAAC-affected building on the school's school land;
- (c) at the relevant time, the school must also provide to the relevant fire and rescue authority a copy of the notification described in sub-paragraph (b);
- (d) the development does not result in an increase to the school's published admission number;
- (e) buildings are placed so as to minimise, so far as practicable, any reduction in the amount of the school land—
 - (i) used as playing fields;
 - (ii) used as space available for the parking or turning of vehicles;
- (f) any building provided under Class CB is removed from the school's school land—
 - (i) as soon as reasonably practicable after such time as each RAAC-affected building on the school's school land has been remediated or replaced; or
 - (ii) before the period in CB.1(e) has elapsed,

(a) S.I. 1987/764. Part C of Schedule 1 was amended in relation to England by S.I. 1994/724, 2006/1282 and 2010/653.

whichever is the sooner;

- (g) following the removal of any building provided under Class CB, as soon as reasonably practicable the school land used in connection with the provision of that building is restored to the condition it was in before the development took place.

Interpretation of Class CB

CB.3. For the purposes of Class CB—

“published admission number” has the meaning given in paragraph M.3 of Part 7 of this Schedule;

“RAAC” means reinforced autoclaved aerated concrete;

“RAAC-affected building” means a building on school land which has been vacated, in whole or in part, pursuant to a decision by the school, in discharge of its health and safety obligations, that the building should be vacated due to the presence of RAAC;

“relevant time” means—

- (a) where development begins after 25th October 2023, before development begins or as soon as reasonably practicable after it has begun;
- (b) where development begins on or before 25th October 2023, as soon as reasonably practicable after that date;

“school” does not include buildings or land provided at any time under Class C or CA;

“school land” means land available for use by a school for a purpose falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order.”.

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

Rachel Maclean
Minister of State

23rd October 2023

Department for Levelling Up, Housing and Communities

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) (S.I. 2015/596). The GPDO provides, for the purposes of section 59 of the Town and Country Planning Act 1990 (c. 8), 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. The classes of permission, together with their accompanying conditions, limitations and restrictions, are set out in Schedule 2 to the GPDO.

Article 2 inserts Class CB into Part 4 of Schedule 2 to the GPDO, introducing a new class of permitted development to temporarily provide buildings on school land for a period of three years from the date this instrument comes into force. The permitted development right can only be used where one or more of the school’s buildings have been vacated due to the presence of reinforced autoclaved aerated concrete (RAAC). Development is permitted subject to a number of limitations and conditions, including the requirement for notification to the local planning authority and local fire and rescue authority, and that the building must be removed once the building is no longer required or by no later than 11.59 p.m. on 24th October 2026, whichever is the earlier.

An Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk. An impact assessment has not been produced for this instrument.

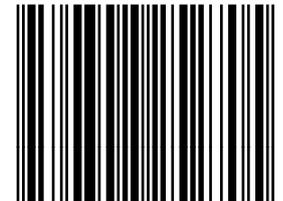
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