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STATUTORY INSTRUMENTS

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**1988 No. 1813**

**TOWN AND COUNTRY PLANNING,  
ENGLAND AND WALES**

**The Town and Country Planning  
General Development Order 1988**

<i>Made</i>	- - - -	<i>21st October 1988</i>
<i>Laid before Parliament</i>		<i>31st October 1988</i>
<i>Coming into force</i>	- -	<i>5th December 1988</i>

The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 24, 26, 27(6), 31, 34, 36, 37, 42(1), 53(2), 92A and 287(3) of and Schedule 14 to the Town and Country Planning Act 1971<sup>(1)</sup> and paragraphs 19(5) and 20(2) of Schedule 16 to the Local Government Act 1972<sup>(2)</sup> and of all other powers enabling them in that behalf, hereby make the following order:—

**Citation, commencement and interpretation**

1.—(1) This order may be cited as the Town and Country Planning General Development Order 1988 and shall come into force on 5th December 1988.

(2) In this order, unless the context otherwise requires—

“the Act” means the Town and Country Planning Act 1971;

“the 1981 Act” means the Town and Country Planning (Minerals) Act 1981<sup>(3)</sup>;

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960<sup>(4)</sup>;

“aerodrome” means an aerodrome as defined in article 96 of the Air Navigation Order 1985<sup>(5)</sup> which is—

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(1) 1971 c. 78; relevant amendments are made by Schedule 16, paragraph 22 to the Local Government Act 1972 (c. 70), Schedule 15, paragraph 4 to the Local Government, Planning and Land Act 1980 (c. 65), Schedule 6, Part II, paragraph 1 and Schedule 11, paragraph 2 to the Housing and Planning Act 1986 (c. 63). Section 31 was extended by regulation 3 of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (S.I. 1988/1199). Section 92A was inserted by paragraph 6 of the Schedule to the Local Government and Planning (Amendment) Act 1981 (c. 41) and amended by section 3(4) of the Local Government Act 1985 (c. 51).

(2) 1972 c. 70; relevant amendments are made by section 86 of the Local Government, Planning and Land Act 1980 and the Local Government Reorganisation (Miscellaneous Provisions) (No. 4) Order 1986 (S.I. 1986/452).

(3) 1981 c. 36.

(4) 1960 c. 62; the relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52).

(5) S.I. 1985/1643.

- (a) licensed under that order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in article 96;

“aqueduct” does not include an underground conduit;

“area of outstanding natural beauty” means an area designated as such by an order made by the Countryside Commission under section 87 of the National Parks and Access to the Countryside Act 1949<sup>(6)</sup> as confirmed by the Secretary of State;

“associated apparatus”, in relation to any sewer, main or pipe, means pumps, machinery or apparatus associated with the relevant sewer, main or pipe;

“building” does not include plant or machinery, and in Schedule 2 to this order does not include any gate, fence, wall or other means of enclosure;

“caravan” has the same meaning as for the purposes of Part I of the 1960 Act;

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“classified road” means a highway or proposed highway which—

- (a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980<sup>(7)</sup>; or
- (b) is classified for the purposes of any enactment by the Secretary of State by virtue of section 12(3) of that Act;

“the Common Council” means the Common Council of the City of London;

“contravention of previous planning control” means a use of land begun in contravention of Part III of the Town and Country Planning Act 1947<sup>(8)</sup> or Part III of the Town and Country Planning Act 1962<sup>(9)</sup>;

“cubic content” means the cubic content of a structure or building measured externally;

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“existing”, in relation to any building or any plant or machinery, means (except in the definition of “original”) existing immediately before the carrying out of development described in this order;

“flat” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“floor space” means the total floor space in a building or buildings;

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(6) 1949 c. 97.  
(7) 1980 c. 66.  
(8) 1947 c. 51.  
(9) 1962 c. 38.

“hazardous substance” and “notifiable quantity” have the meanings assigned to those terms by the Notification Regulations;

“industrial process” means a process for or incidental to any of the following purposes—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

“land drainage” has the meaning it has in the Land Drainage Act 1976<sup>(10)</sup>;

“landscaping” means the treatment of land (other than buildings) being the site or part of the site in respect of which an outline planning permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes screening by fences, walls or other means, the planting of trees, hedges, shrubs or grass, the formation of banks, terraces or other earthworks, the laying out of gardens or courts, and the provision of other amenity features;

“local authority” includes a parish or community council;

“microwave” means that part of the radio spectrum above 1000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“mine” means any site on which mining operations are carried out;

“mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“notifiable pipeline” means a pipeline (as that term is defined in section 65 of the Pipelines Act 1962<sup>(11)</sup>) which contains or is intended to contain a hazardous substance, but does not include a pipeline which has been authorised under section 1 of the Pipelines Act 1962, or a pipeline which contains, or is intended to contain, no hazardous substance other than—

- (a) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification Regulations) at a pressure of less than 8 bars absolute; or
- (b) a flammable liquid, as specified in item 4 of Part II of the said Schedule;

“Notification Regulations” means the Notification of Installations Handling Hazardous Substances Regulations 1982<sup>(12)</sup>;

“original” means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built;

“outline planning permission” means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

“plant or machinery” includes any structure or erection in the nature of plant or machinery;

“private way” means a highway not maintainable at the public expense and any other way other than a highway;

“proposed highway” has the meaning assigned to that term by section 329 of the Highways Act 1980;

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<sup>(10)</sup> 1976 c. 70.

<sup>(11)</sup> 1962 c. 58.

<sup>(12)</sup> S.I. 1982/1357.

“public service vehicle” means a public service vehicle or tramcar within the meaning of the Public Passenger Vehicles Act 1981(13) or a trolley vehicle within the meaning of section 196(1) of the Road Transport Act 1972(14);

“1988 Regulations” means the Town and Country Planning (Applications) Regulations 1988(15);

“reserved matters” in relation to an outline permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application, namely—

- (a) siting,
- (b) design,
- (c) external appearance,
- (d) means of access,
- (e) the landscaping of the site;

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“site of archaeological interest” means land which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979(16), or is within an area of land which is designated as an area of archaeological importance under section 33 of that Act, or which is within a site registered in any record kept by a county council and known as the County Sites and Monuments Record;

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981(17) applies;

“sludge main” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated therewith) for the conveyance of the residue of water or sewage treated in a water or sewage treatment works as the case may be, including final effluent or the products of the dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or the residue thereof;

“slurry” means animal faeces and urine (whether or not water has been added for handling);

“special road” means a highway or proposed highway which is a special road in accordance with section 16 of the Highways Act 1980;

“statutory undertaker” includes, in addition to any person mentioned in section 290(1) of the Act, the Post Office and the Civil Aviation Authority and public gas suppliers within the meaning of section 7 of the Gas Act 1986(18);

“terrace house” means a dwellinghouse situated in a row of three or more dwellinghouses used or designed for use as single dwellings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side; or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of (a) above;

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(13) 1981 c. 14.  
(14) 1972 c. 20.  
(15) S.I. 1988/1812.  
(16) 1979 c. 46.  
(17) 1981 c. 69.  
(18) 1986 c. 44.

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

“transport legislation” means section 14(1)(d) of the Transport Act 1962<sup>(19)</sup> or section 10(1)(x) of the Transport Act 1968<sup>(20)</sup>;

“trunk road” means a highway or proposed highway which is a trunk road by virtue of sections 10(1) or 19 of the Highways Act 1980 or any other enactment or any instrument made under any enactment;

“unadopted street” means a street as defined by the Public Health Act 1936<sup>(21)</sup> not being a highway maintainable at the public expense;

“urban development corporation” has the same meaning as in Part XVI of the Local Government, Planning and Land Act 1980<sup>(22)</sup>;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987<sup>(23)</sup>;

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order.

(3) Unless the context otherwise requires, any reference in this order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(4) References to the use of land for a specified purpose do not include references to the use of land—

- (a) without planning permission, or
- (b) in contravention of previous planning control.

(5) The land referred to elsewhere in this order as article 1(5) land is the land described in Part 1 of Schedule 1 to this order (National Parks, areas of outstanding natural beauty and conservation areas etc.)

(6) The land referred to elsewhere in this order as article 1(6) land is the land described in Part 2 of Schedule 1 to this order (National Parks and adjoining land).

## **Application**

2.—(1) This order applies to all land in England and Wales, but where land is the subject of a special development order, whether made before or after the commencement of this order, this order shall apply to that land only to such extent and subject to such modifications as may be specified in the special order.

(2) Nothing in this order shall apply to any permission which is deemed to be granted under section 64 of the Act (applications for planning permission not needed for advertisements complying with regulations).

## **Permitted development**

3.—(1) Subject to the provisions of this order, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

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<sup>(19)</sup> 1962 c. 46.  
<sup>(20)</sup> 1968 c. 73.  
<sup>(21)</sup> 1936 c. 49.  
<sup>(22)</sup> 1980 c. 65.  
<sup>(23)</sup> S.I 1987/764.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2 and subject to the condition set out in paragraph (9) below (hazardous substances condition).

(3) References in the following provisions of this order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule is a reference to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise than by this order.

(5) The permission granted by Schedule 2 shall not, except in relation to development permitted by Parts 9, 11 or 13, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(6) Any development falling within Part 11 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval shall not be treated for the purpose of this order as authorised unless and until that consent or approval is obtained; except where the Act was passed or the order made after 1 July 1948 and it contains provision to the contrary.

(7) Schedule 2 does not grant permission for—

- (a) the laying or construction of a notifiable pipeline, or
- (b) development which involves or is likely to involve a hazardous activity, except in the cases specified in paragraph (8).

(8) The cases specified in this paragraph are—

- (a) where the development is to be carried out in, on, over or under land comprised in a notified site and the carrying out of the development is not likely to result in the presence in, on, over or under the land of a quantity of the hazardous substance notified which exceeds three times the quantity last notified;
- (b) where—
  - (i) an exemption certificate under the Notification Regulations applies to the development;
  - (ii) there is, immediately before the development is carried out, a notifiable quantity of a hazardous substance present in, on, over or under that land, and
  - (iii) the carrying out of the development is not likely to result in the presence in, on, over or under that land of a quantity of the substance which exceeds three times the quantity present immediately before development began;
- (c) where the development is to be carried out by a public gas supplier and consists of the laying of mains, pipes or other apparatus;
- (d) where the development is for the purpose of inspecting, repairing or renewing mains, pipes or other apparatus.

(9) The hazardous substances condition referred to in paragraph (2) is a condition that no building erected or extended, no plant or machinery installed or provided (other than a mains, pipe or other apparatus belonging to a public gas supplier), and no works carried out by virtue of permission granted by this article and Schedule 2 on land within any site shall be used for a hazardous activity.

(10) For the purposes of this article—

“hazardous activity” means the manufacture, processing, keeping or use of a hazardous substance in circumstances which will result in there being at any one time a notifiable quantity of a hazardous substance in, on, over or under the land on which the development is carried out or the site which comprises that land,

“notified site” means a site in respect of which notification has been given to the Health and Safety Executive in pursuance of the requirements of the Notification Regulations, and

“site” means the whole of the area of land within a single unit of occupation.

### **Directions restricting permitted development**

4.—(1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2 hereto, other than Class B of Part 22 or Class C of Part 23, should not be carried out unless permission is granted for it on an application, he or they may, subject to paragraph (2), give a direction that the permission granted by Article 3 shall not apply to—

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction.

(2) A direction under paragraph (1) shall not affect the carrying out of—

- (a) development permitted by Part 11 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;
- (b) any development in an emergency; or
- (c) any development mentioned in Part 24, unless the direction specifically so provides.

(3) A direction given or having effect as if given under this article shall not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;
- (e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;
- (f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome;
- (g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Part 18, Class A of Schedule 2 to this order).

(4) In this article and in article 5 “appropriate local planning authority” means—

- (a) in relation to a conservation area in a non-metropolitan county, the county planning authority or the district planning authority; and
- (b) in relation to any other area, the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate.

### **Approval of Secretary of State for article 4 directions**

5.—(1) Except in the cases specified in paragraphs (3) and (4), a direction by a local planning authority under article 4 requires the approval of the Secretary of State, who may approve the direction with or without modifications.

(2) On making a direction under article 4 or submitting such a direction to the Secretary of State for approval—

- (a) a county planning authority shall give notice thereof to the district planning authority in whose area the land to which the direction relates is situated; and
- (b) except in metropolitan districts, a district planning authority shall give notice thereof to the county planning authority.

(3) Unless it affects the carrying out of development by a statutory undertaker as provided by article 4(3), the approval of the Secretary of State is not required for a direction which relates to—

- (a) a listed building;
- (b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or
- (c) development within the curtilage of a listed building,

and does not relate to land of any other description.

(4) Subject to paragraph (6), the approval of the Secretary of State is not required for a direction relating only to development permitted by any of Parts 1 to 4 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

(5) A direction not requiring the Secretary of State's approval by virtue of paragraph (4) shall, unless disallowed or approved by the Secretary of State, expire at the end of six months from the date on which it was made.

(6) Paragraph (4) does not apply to a second or subsequent direction relating to the same development or to development of the same class or any of the same classes, in the same area or any part of that area.

(7) The local planning authority shall send a copy of any direction made by them to which paragraph (4) applies to the Secretary of State not later than the date on which notice of that direction is given in accordance with paragraph (10) or (12).

(8) The Secretary of State may give notice to the local planning authority that he has disallowed any such direction and the direction shall then cease to have effect.

(9) The local planning authority shall as soon as reasonably practicable give notice that a direction has been disallowed in the same manner as notice of the direction was given.

(10) Subject to paragraph (12), notice of any direction made under article 4 shall be served by the appropriate local planning authority on the owner and occupier of every part of the land affected as soon as practicable after the direction has been made or, where the direction is required to be approved by the Secretary of State, as soon as practicable after it has been so approved; and a direction shall come into force in respect of any part of the land on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(11) If a direction to which paragraph (4) applies is approved by the Secretary of State within the period of 6 months referred to in paragraph (5), then (unless paragraph (12) applies) the authority who made the direction shall, as soon as practicable, serve notice of that approval on the owner and occupier of every part of the land affected by the direction; and where the Secretary of State has approved the direction with modifications the notice shall indicate the effect of the modifications.

(12) Where in the case of a direction under article 4(1)(a) an authority consider that individual service in accordance with paragraph (10) or (11) is impracticable for the reasons set out in



paragraph (14) they shall publish a notice of the direction, or of the approval, in at least one newspaper circulating in the locality in which the land is situated.

(13) A notice published pursuant to paragraph (12) shall contain a statement of the effect of the direction and of any modification made to it by the Secretary of State, and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(14) The reasons referred to in paragraph (12) are that the number of owners and occupiers of the land to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(15) Where notice of a direction has been published in accordance with paragraph (12), the direction shall come into force on the date on which the notice is first published.

(16) A local planning authority may, by making a subsequent direction and without the approval of the Secretary of State, cancel any direction made by them under article 4, and the Secretary of State may make a direction cancelling any direction under article 4 made by the local planning authority.

(17) Paragraphs (10) and (12) to (15) shall apply to any direction made under paragraph (16).

#### **Directions restricting permitted development under Part 22, Class B or Part 23, Class C**

6.—(1) If, on receipt of a notification from any person that he proposes to carry out development within Part 22, Class B or Part 23, Class C in Schedule 2 to this order, a mineral planning authority are satisfied as mentioned in paragraph (2) below, they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 of this order shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

- (a) the land on which the development is to be carried out is within—
  - (i) a National Park,
  - (ii) an area of outstanding natural beauty,
  - (iii) a site of archaeological interest, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984<sup>(24)</sup>, or
  - (iv) a site of special scientific interest;
- (b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of Part 22, Class B or Part 23, Class C, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a building shown as grade 1 in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 54 of the Act;
- (c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or
- (d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this article shall contain a statement as to the day on which (if it is not disallowed under paragraph (5) below) it will come into force, which shall be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4) below.

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(24) S.I. 1984/1286.

(4) As soon as is reasonably practicable a copy of a direction under this article shall be sent by the mineral planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning with the date on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State that he has disallowed the direction, the mineral planning authority shall give notice in writing to the person who gave notice of the proposal that he is authorised to proceed with the development.

### **Outline applications**

7.—(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.

(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, they shall within the period of one month beginning with the receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.

### **Application for approval of reserved matters**

8. An application for approval of reserved matters—

- (a) shall be made in writing to the local planning authority and shall give sufficient information to enable the authority to identify the outline planning permission in respect of which it is made;
- (b) shall include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline planning permission; and
- (c) except where the authority indicate that a lesser number is required, shall be accompanied by 3 copies of the application and the plans and drawings submitted with it.

### **Application under section 53 to determine whether planning permission required**

9.—(1) An application to a local planning authority for a determination under section 53 of the Act shall be made in writing and shall contain a description of the operations or change of use proposed and be accompanied by plans or drawings sufficient to identify the land to which the application relates and the nature of the operations.

(2) Where the proposal relates to a change of use, a full description shall be given of the proposed use and of any use of land at the date when the application is made (or, where the land is not in active use at that date, the purpose for which it was last used).

### **General provisions relating to applications**

10.—(1) Any application made under regulation 3 of the 1988 Regulations or article 8 or 9 above, shall be made—

- (a) where the land is in Greater London or a metropolitan county, to the local planning authority;
- (b) where the land is situated elsewhere, to the district planning authority.

(2) When the local planning authority with whom an application has to be lodged receive—

- (a) in the case of an application made under paragraph (1) of regulation 3 of the 1988 Regulations, the form of application required by that paragraph, together with the certificate or other documents required by section 27 (notification to owners and agricultural tenants) of the Act;
- (b) in the case of an application made under regulation 3(3) of the 1988 Regulations, sufficient information to enable the authority to identify the previous grant of planning permission, together with the certificate or other documents required by section 27 of the Act;
- (c) in the case of an application made under article 8 or 9 above, the documents and information required by that article,

and the fee (if any) required to be paid in respect of the application<sup>(25)</sup>, the authority shall as soon as is reasonably practicable send to the applicant an acknowledgement of the application in the terms (or substantially in the terms) set out in Part 1 of Schedule 3 hereto.

(3) In the case of an application which falls to be determined by the county planning authority, the district planning authority shall, as soon as is reasonably practicable—

- (a) notify the applicant that the application will be so determined;
- (b) provide the county planning authority with all relevant plans, drawings, particulars and documents submitted with or in support of the application; and
- (c) notify the county planning authority of all action taken by the district planning authority in relation to the application.

(4) Where, after sending an acknowledgement as required by paragraph (2) of this article, the local planning authority consider that the application is invalid by reason of a failure to comply with the requirements of regulation 3 of the 1988 Regulations or article 8 or 9 above or any other statutory requirement, they shall as soon as reasonably practicable notify the applicant that his application is invalid.

### **Notice under section 26**

**11.**—(1) The following classes of development are designated for the purposes of section 26 of the Act (publication of notices as to applications)—

- (a) the construction of buildings for use as public conveniences;
- (b) the construction of buildings or other operations or the use of land for the disposal of waste materials or the use of land as a scrap yard;
- (c) the winning or working of minerals or the use of land for mineral working deposits;
- (d) the construction of buildings or other operations or the use of land for retaining, treating or disposing of sewage, trade waste or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers or the construction of septic tanks and cesspools serving single dwellinghouses, single buildings or single caravans in which not more than ten people will normally reside, work or congregate, and works ancillary thereto);
- (e) the construction of buildings to a height exceeding 20 metres;
- (f) the construction of buildings or the use of land for the purposes of a slaughter-house or knacker's yard or for killing or plucking poultry;
- (g) the construction of buildings or the use of land for the purposes of a casino, a funfair or a bingo hall, a theatre, a cinema, a music hall, a dance hall, a skating rink, a sportshall, a

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<sup>(25)</sup> Fees are prescribed by regulations made under section 87 of the Local Government, Planning and Land Act 1980 (c. 65); S.I. 1983/1674, as amended by S.I. 1985/1182 and 1987/101.

swimming bath or gymnasium (not forming part of a school, college or university), or a Turkish or other vapour or foam bath;

- (h) the construction of buildings or the use of land as a zoo or for the business of boarding or breeding cats or dogs;
- (i) the construction of buildings or the use of land for motor car or motorcycle racing, including trials of speed;
- (j) the construction of a stadium;
- (k) the use of land as a cemetery or crematorium.

(2) The notice of an application required to be published under section 26(2)(a) of the Act shall be in the form set out in Part 1 of Schedule 4 hereto, and the copy of the notice accompanying the application shall be certified by or on behalf of the applicant as having been published in a named newspaper on a date specified in the certificate.

(3) The notice required by section 26(3)(a) of the Act to be posted on the land shall be in the form set out in Part 1 of Schedule 4 hereto.

(4) Certificates issued for the purposes of section 26(2)(b) of the Act shall be in the forms set out in Part 2 of Schedule 4 hereto.

#### **Notification of applications to owners and agricultural tenants**

**12.**—(1) Subject to paragraph (2)—

- (a) the certificate issued for the purposes of section 27 of the Act shall be in the appropriate form set out in Part 1 of Schedule 5 hereto;
- (b) the requisite notice for the purposes of section 27 as it applies to applications shall be in the form set out in Part 2 of Schedule 5 hereto;
- (c) the requisite notice for the purposes of section 27 as it applies to appeals under section 36 of the Act shall be in the form set out in Part 3 of Schedule 5 hereto.

(2) The certificate issued for the purpose of section 27(1)(cc) (winning and working of minerals by underground mining) shall be in the form set out in Part 4 of Schedule 5 and the requisite notice for the purpose of section 27(2A) (notice to be posted in the case of development to which section 27(1)(cc) applies) shall be in the form set out in Part 5 or, as the case may be, Part 6 of that Schedule.

#### **Notification of mineral applications**

**13.**—(1) Where notice has been given for the purposes of this article to a mineral planning authority as respects land which is in their area and specified in the notice—

- (a) by the British Coal Corporation that the land contains coal;
- (b) by the Secretary of State for Energy that it contains gas or oil; or
- (c) by the Crown Estates Commissioners that it contains silver or gold,

the mineral planning authority shall not determine any application for planning permission to win and work any mineral on that land, without first notifying the body or person who gave the notice that an application has been made.

(2) In this article, “coal” means coal other than that won or worked by virtue of section 36(1) of the Coal Industry Nationalisation Act 1946(26).

### **Directions by the Secretary of State**

**14.**—(1) The Secretary of State may give directions restricting the grant of permission by a local planning authority, either indefinitely or during such a period as may be specified in the directions, in respect of any development or in respect of development of any class so specified.

(2) The Secretary of State may give directions—

- (a) that particular proposed development of a description set out in Schedule 1 or Schedule 2 to the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988<sup>(27)</sup> is exempted from the application of those Regulations;
- (b) as to whether particular proposed development is or is not development in respect of which those Regulations require the consideration of environmental information (as defined in those Regulations) before planning permission can be granted; or
- (c) that development of any class described in the direction is development in respect of which those Regulations require the consideration of such information before such permission can be granted.

(3) A local planning authority shall deal with applications for planning permission for development to which a direction given under this article applies in such manner as to give effect to the direction.

### **Special provisions as to permission for development affecting certain existing and proposed highways**

**15.**—(1) On receipt of an application for planning permission for development which consists of or includes—

- (a) the formation, laying out or alteration of any access to or from any part of a trunk road which is either a special road or, if not a special road, a road subject to a speed limit exceeding 40 miles per hour; or
- (b) any development of land within 67 metres (or such other distance as may be specified in a direction given by the Secretary of State under this article) from the middle of—
  - (i) any highway (other than a trunk road) which the Secretary of State has provided, or is authorised to provide, in pursuance of an order under Part II of the Highways Act 1980<sup>(28)</sup> and which has not for the time being been transferred to any other highway authority;
  - (ii) any highway which he proposes to improve under Part V of that Act and in respect of which notice has been given to the local planning authority;
  - (iii) any highway to which he proposes to carry out improvements in pursuance of an order under Part II of that Act; or
  - (iv) any highway which he proposes to construct, the route of which is shown on the development plan or in respect of which he has given notice in writing to the relevant local planning authority together with maps or plans sufficient to identify the route of the highway,

the relevant local planning authority shall notify the Secretary of State and, in the case of an application which falls to be determined by the county planning authority, the county planning authority.

(2) An application referred to in paragraph (1) above shall not be determined unless—

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<sup>(27)</sup> S.I. 1988/1199.

<sup>(28)</sup> 1980 c. 66.

- (a) the relevant local planning authority receive a direction given under article 14 of this order (and in accordance with the terms of that direction);
  - (b) they receive notification by or on behalf of the Secretary of State that he does not propose to give any such direction in respect of the development to which the application relates; or
  - (c) a period of 28 days (or such longer period as may be agreed in writing between the relevant local planning authority and the Secretary of State) from the date when notification was given to the Secretary of State has elapsed without receipt of such a direction.
- (3) The Secretary of State may, in respect of any case or any class or description of cases, give a direction specifying a different distance for the purposes of paragraph 1(b) above.
- (4) In this article, “the relevant local planning authority” means—
- (a) in relation to land in an urban development area in respect of which the urban development corporation is the local planning authority for all kinds of development, the urban development corporation;
  - (b) where subparagraph (a) does not apply and the land is in Greater London or a metropolitan county, the local planning authority; and
  - (c) in any other case, the district planning authority.
- (5) Where under this article a relevant local planning authority are required to notify the Secretary of State or the county planning authority of an application for planning permission, they shall send to the Secretary of State at such office or address as he may appoint and to the county planning authority a copy of the relevant application and of every plan submitted therewith.

#### **Application of bye-laws in relation to construction of new streets**

**16.—**(1) A local planning authority which is not the local highway authority shall not grant permission for development which consists of or includes the laying out or construction of a new street without first consulting the local highway authority.

(2) Where permission is granted under Part III of the Act for any development mentioned in paragraph (1), no bye laws mentioned in paragraph (3) shall apply to the development except so far as the bye laws in question, by virtue of section 50 of the Public Health Act 1961(29), require a person constructing a new street to provide separate sewers for foul water drainage and surface water drainage.

- (3) The bye-laws referred to in paragraph (2) are—
- (a) the bye-law made by the Metropolitan Board of Works on 17th March 1857 and confirmed by them on 3rd April 1857 under the Metropolis Management Act 1855(30);
  - (b) any bye-law made under section 186 of the Highways Act 1980(31) or made under an earlier enactment corresponding to section 186 and continued in force by an order made under section 312(6) of the Highways Act 1959(32).

#### **Development not in accordance with the development plan**

**17. —**A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this order grant permission for development which does not accord with the provisions of the development plan.

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(29) 1961 c. 64.

(30) 1855 c. 120.

(31) 1980 c. 66.

(32) 1959 c. 25; the operation of orders under section 312(6) is preserved by paragraph 11 of Schedule 23 to the Highways Act 1980.

### Consultations before the grant of permission

18.—(1) Before granting permission for development which, in their opinion, falls within a category set out in the table below, a local planning authority shall consult the authority or person mentioned in relation to that category, except where—

- (i) the local planning authority are the authority so mentioned;
- (ii) the local planning authority are required to consult the authority so mentioned under articles 19 or 20; or
- (iii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted.

**TABLE**

Para	Description of Development	Consultee
(a)	Development likely to affect land in Greater London or in a metropolitan county	The local planning authority concerned
(b)	Development likely to affect land in a non-metropolitan county, other than land in a National Park	The district planning authority concerned
(c)	Development likely to affect land in a National Park	The county planning authority concerned
(d)	Development involving the manufacture, processing, keeping or use of a hazardous substance in such circumstances that there will at any one time be, or is likely to be, a notifiable quantity of such substance in, on, over or under any land	The Health and Safety Executive
(e)	Development likely to result in a material increase in the volume or a material change in the character of traffic—	
	(i) entering or leaving a trunk road; or	In England, the Secretary of State for Transport, in Wales the Secretary of State for Wales

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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Para	Description of Development	Consultee
	(ii) using a level crossing over a railway	The British Railways Board or other railway undertakers likely to be affected, and in England, the Secretary of State for Transport and, in Wales, the Secretary of State for Wales
(f)	Development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified or proposed road	The local highway authority concerned
(g)	Development likely to prejudice the improvement or construction of a classified or proposed road	The local highway authority concerned
(h)	Development involving the formation, laying out or alteration of any means of access to a highway (other than a trunk road)	The local highway authority concerned
(i)	Development which involves the provision of a building or pipeline in an area of coal working notified by the British Coal Corporation to the local planning authority	The British Coal Corporation
(j)	Development involving or including mining operations	The water authority concerned
(k)	Development involving or including the winning and working of coal by opencast methods	The Secretary of State for Energy
(l)	Development within three kilometres of Windsor Castle, Windsor Great Park, or	The Secretary of State for the Environment



Para	Description of Development	Consultee
	Windsor Home Park, or within 800 metres of any other royal palace or park, which might affect the amenities (including security) of that palace or park	
(m)	Development of land in Greater London involving the demolition, in whole or part, or the material alteration of a listed building	The Historic Buildings and Monuments Commission
(n)	Development likely to affect the site of a scheduled ancient monument	In England, The Historic Buildings and Monuments Commission, in Wales, the Secretary of State for Wales
(o)	Development involving the carrying out of works or operations in the bed of or on the banks of a river or stream	The water authority concerned
(p)	Development for the purpose of refining or storing mineral oils and their derivatives	The water authority concerned
(q)	Development involving the use of land for the deposit of refuse or waste	The water authority concerned
(r)	Development relating to the retention, treatment or disposal of sewage, trade-waste, slurry or sludge (other than the laying of sewers, the construction of pumphouses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single caravans or single buildings	The water authority concerned

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Para	Description of Development	Consultee
	in which not more than ten people will normally reside, work or congregate, and works ancillary thereto)	
(s)	Development relating to the use of land as a cemetery	The water authority concerned
(t)	Development in an area of special scientific interest of which notification has been given or has effect as if given to the local planning authority by the Nature Conservancy Council in accordance with section 28 of the Wildlife and Countryside Act 1981 <sup>(33)</sup>	The Nature Conservancy Council
(u)	Development involving any land on which there is a theatre as defined in the Theatres Trust Act 1976 <sup>(34)</sup>	The Theatres Trust
(v)	Development which is not for agricultural purposes and is not in accordance with the provisions of a development plan and involves— <ul style="list-style-type: none"> <li>(i) the loss of not less than 20 hectares of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes; or</li> <li>(ii) the loss of less than 20 hectares</li> </ul>	In England, the Minister of Agriculture, Fisheries and Food and in Wales, the Secretary of State for Wales

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<sup>(33)</sup> 1981 c. 69.

<sup>(34)</sup> 1976 c. 27.

Para	Description of Development	Consultee
	of grades 1, 2 or 3a agricultural land which is for the time being used (or was last used) for agricultural purposes, in circumstances in which the development is likely to lead to a further loss of agricultural land amounting cumulatively to 20 hectares or more	
(w)	Development within 250 metres of land which— (i) is or has, at any time in the 30 years before the relevant application, been used for the deposit of refuse or waste; and (ii) has been notified to the local planning authority by the waste disposal authority for the purposes of this provision	The waste disposal authority concerned.

(2) In paragraph (1)(w) “waste disposal authority” means—

- (a) in the area of the London Waste Regulation Authority, the Greater Manchester Waste Disposal Authority or the Merseyside Waste Disposal Authority<sup>(35)</sup> respectively, that authority;
- (b) elsewhere in England, the county council or metropolitan district council; or
- (c) in Wales, the district council.

(3) The Secretary of State may give directions to a local planning authority requiring that authority to consult with any person or body named in the directions, in any case or class of case specified in the directions.

<sup>(35)</sup> Established by Schedule 1 of the Waste Regulation and Disposal (Authorities) Order 1985 (S.I. 1985/1884).

(4) Where, by or under this article, a local planning authority are required to consult any person or body (“the consultee”) before granting planning permission—

- (a) they shall, unless an applicant has served a copy of an application for planning permission on the consultee, give notice of the application to the consultee; and
- (b) they shall not determine the application until at least 14 days after the date on which notice is given under paragraph (a), or if earlier, 14 days after the date of service of a copy of the application on the consultee by the applicant.

(5) The local planning authority shall, in determining the application, take into account any representations received from a consultee.

### **Consultation with county planning authority**

**19.** Where a district planning authority are required by paragraph 19 of Schedule 16 to the Local Government Act 1972<sup>(36)</sup> to consult the county planning authority before determining an application for planning permission, they shall not determine the application until the expiry of at least 14 days after the date of the notice given to the county planning authority in accordance with sub-paragraph (5)(a) of that paragraph.

### **Applications relating to county matters**

**20.—**(1) A county planning authority shall, before determining—

- (a) an application for planning permission under Part III of the Act;
- (b) an application under section 53 of the Act;
- (c) an application for an established use certificate under section 94 of the Act; or
- (d) an application for approval of reserved matters,

give the district planning authority for the area in which the relevant land lies a period of at least 14 days, from the date of receipt of the application by the district authority, within which to make recommendations about the manner in which the application shall be determined; and shall take any such recommendations into account.

(2) A county planning authority shall—

- (a) on determining an application of a kind mentioned in paragraph (1), as soon as reasonably practicable notify the district planning authority of the terms of their decision; or
- (b) if any such application is referred to the Secretary of State, inform the district planning authority of the date when it was so referred and, when notified to them, of the terms of the decision.

### **Notice to parish and community councils**

**21.—**(1) A district planning authority (or, in a metropolitan county, a local planning authority) on receiving any application of which the council of a parish or community are, by virtue of paragraph 20 of Schedule 16 to the Local Government Act 1972<sup>(37)</sup> entitled to be informed, shall as soon as practicable inform that council in writing of the application, indicating the nature of the development to which the application relates and identifying the land to which it relates.

(2) Where a district planning authority receives an application to which paragraph (1) applies and the application falls to be determined by another authority, the district planning authority shall

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<sup>(36)</sup> 1972 c. 70; a substituted paragraph 19 was inserted into Schedule 16 to the Local Government Act 1972 by section 86(2) of the Local Government, Planning and Land Act 1980.

<sup>(37)</sup> Paragraph 20 was amended by the Local Government (Miscellaneous Provisions) (No. 4) Order 1986 (S.I. 1986/452).

so inform the parish or community council and shall give notice of the date on which they have done so to that other authority.

(3) Where the council of the parish or community are given information pursuant to paragraph (1), they shall as soon as practicable notify the relevant authority whether they propose to make any representations about the manner in which the application should be determined, and shall make any such representations to that authority within 14 days of the notification to them of the application.

(4) A local planning authority shall not determine any application to which paragraph (1) applies before—

- (i) the council of the parish or community inform them that they do not propose to make any representations;
- (ii) representations are made by that council; or
- (iii) the period of 14 days mentioned in paragraph (3) has elapsed,

whichever shall first occur; and in determining the application the authority shall take into account any representations received from the council of the parish or community.

(5) The district planning authority (or, in a metropolitan county, the local planning authority) shall notify the council of the parish or community of the terms of the decision on any such application or, where the application is referred to the Secretary of State, of the date when it was so referred and, when notified to them, of the terms of his decision.

#### **Notice of reference of applications to the Secretary of State**

**22.** On referring any application to the Secretary of State under section 35 of the Act, pursuant to a direction in that behalf, a local planning authority shall serve on the applicant a notice—

- (a) setting out the terms of the direction and any reasons given by the Secretary of State for issuing it;
- (b) stating that the application has been referred to the Secretary of State; and
- (c) containing a statement that the Secretary of State will, if the applicant so desires, afford to him an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose, and that the decision of the Secretary of State on the application will be final.

#### **Time periods for decision**

**23.**—(1) Where a valid application under article 8 or 9 or regulation 3 of the 1988 Regulations has been received by a local planning authority, they shall within the period specified in paragraph (2) give the applicant notice of their decision or determination or notice that the application has been referred to the Secretary of State.

(2) The period specified in this paragraph is—

- (a) a period of eight weeks beginning with the date when the application was received by a local planning authority;
- (b) except where the applicant has already given notice of appeal to the Secretary of State, such extended period as may be agreed in writing between the applicant and the local planning authority by whom the application falls to be determined; or
- (c) where a fee due in respect of an application has been paid by a cheque which is subsequently dishonoured, the appropriate period specified in (a) or (b) above calculated without regard to any time between the date when the authority sent the applicant written notice of the dishonouring of the cheque and the date when the authority are satisfied that they have received the full amount of the fee.

(3) For the purposes of this article, the date when the application was received shall be taken to be the date when each of the following events has occurred—

- (a) the application form or application in writing has been lodged with the authority mentioned in article 10(1);
- (b) any certificate or documents required by the Act has been lodged with that authority; and
- (c) any fee required to be paid in respect of the application has been paid to that authority and, for this purpose, lodging a cheque for the amount of a fee is to be taken as payment.

(4) A local planning authority shall provide such information about applications made under article 8 or 9 or regulation 3 of the 1988 Regulations (including information as to the manner in which any such application has been dealt with) as the Secretary of State may by direction require; and any such direction may include provision as to the persons to be informed and the manner in which the information is to be provided.

#### **Applications made under planning condition**

24. Where an application has been made to a local planning authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission (other than an application for approval of reserved matters) the authority shall give notice to the applicant of their decision on the application within a period of eight weeks from the date when the application was received by the authority, or such longer period as may be agreed by the applicant and the authority in writing.

#### **Written notice of decision or determination relating to a planning application**

25. When the local planning authority give notice of a decision or determination—

- (a) on an application for planning permission or for approval of reserved matters, and a permission or approval is granted subject to conditions or the application is refused, the notice shall—
  - (i) state clearly and precisely their full reasons for the refusal or for any condition imposed; and
  - (ii) where the Secretary of State has given a direction restricting the grant of permission for the development for which application is made or where he or a government department has expressed the view that the permission should not be granted (either wholly or in part) or should be granted subject to conditions, give details of the direction or of the view expressed,

and shall be accompanied by a notification in the terms (or substantially in the terms) set out in Part 2 of Schedule 3 hereto;

- (b) on an application for a determination under section 53 (whether forming part of an application for planning permission or not), the notice shall (except where the local planning authority determine that the carrying out of operations or the making of a change in the use of land would not constitute or involve development of the land) state clearly and precisely the full grounds for their determination, and include a statement to the effect that, if the applicant is aggrieved by their decision, he may appeal to the Secretary of State under section 36 of the Act (as applied by section 53 of the Act) within six months of receipt thereof or such longer period as the Secretary of State may at any time allow.

## Appeals

**26.**—(1) An applicant who wishes to appeal to the Secretary of State under section 36 of the Act (including section 36 as applied by sections 37 or 53) shall give notice of appeal to the Secretary of State by—

- (a) serving on him, within the time limit specified in paragraph (2) a form obtained from him, together with such of the documents specified in paragraph (3) as are relevant to the appeal; and
- (b) serving on the local planning authority a copy of the form mentioned in paragraph (a), as soon as reasonably practicable, together with a copy of any relevant documents mentioned in paragraph (3)(f).

(2) The time limit mentioned in paragraph (1) is 6 months from—

- (a) the date of the notice of the decision or determination giving rise to the appeal;
- (b) the expiry of the period specified in article 23 or, as the case may be, article 24; or
- (c) in a case in which the authority have served a notice on the applicant in accordance with article 7(2) that they require further information, and he has not provided the information, the date of service of that notice,

or such longer period as the Secretary of State may, at any time, allow.

(3) The documents mentioned in paragraph (1) are—

- (a) the application made to the local planning authority which has occasioned the appeal;
- (b) all plans, drawings and documents sent to the authority in connection with the application;
- (c) all correspondence with the authority relating to the application;
- (d) any notice provided to the authority in accordance with section 26 of the Act;
- (e) any certificate provided to the authority under section 26 or 27 of the Act;
- (f) any other plans, documents or drawings relating to the application which were not sent to the authority;
- (g) the notice of the decision or determination, if any;
- (h) if the appeal relates to an application for approval of certain matters in accordance with a condition on a planning permission, the application for that permission, the plans submitted with that application and the planning permission granted.

## Register of applications

**27.**—(1) In this article and in article 28 “the local planning register authority” means—

- (i) in Greater London or a metropolitan county, the local planning authority;
- (ii) in a National Park (except in a metropolitan county), the county planning authority;
- (iii) elsewhere, the district planning authority.

(2) The register of applications for planning permission required by section 34(38) of the Act shall be kept in two parts. Part I shall contain a copy of every application for planning permission and of any application for approval of reserved matters submitted to the local planning authority and not finally disposed of, together with copies of plans and drawings submitted in relation thereto. Part II shall contain, in respect of every application for planning permission—

- (a) a copy (which may be photographic) of the application and of plans and drawings submitted in relation thereto;

- (b) particulars of any direction given under the Act or this order in respect of the application;
  - (c) the decision (if any) of the local planning authority in respect of the application, including details of any conditions subject to which permission was granted, the date of such decision and the name of the local planning authority;
  - (d) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 35 of the Act;
  - (e) the date of any subsequent approval (whether approval of reserved matters or any other approval required) given in relation to the application.
- (3) Where, on any appeal to the Secretary of State under section 88(39) (enforcement notices) or 95 (applications for established use certificates) of the Act, the appellant is deemed to have made an application for planning permission and the Secretary of State has granted permission, the local planning register authority shall, on receipt of notification of the Secretary of State's decision, enter into Part II of the register referred to in paragraph (2) particulars of the development concerned, the land on which it was carried out, and the date and effect of the Secretary of State's decision.
- (4) The register of applications for a determination under section 53 of the Act required by section 34(1) of the Act (as applied by section 53(2)) shall contain the following information—
- (a) particulars of the application, including the name and address of the applicant, the date of the application and brief particulars of the proposal forming the subject of the application;
  - (b) the decision (if any) of the local planning authority in respect of the application, the date of such decision and the name of the local planning authority;
  - (c) the reference number, the date and effect of any decision of the Secretary of State in respect of the application, whether on appeal or on a reference under section 35 of the Act.
- (5) In the case of a register kept by the Common Council or by a London borough council, the register shall contain the same particulars (including, where appropriate, copies of applications, plans and drawings) in respect of applications made to the Greater London Council which relate to land in the area of the council keeping the register as are required by paragraph (2), paragraph (3) or paragraph (4) of this article, as the case may be, in respect of applications made to the local planning authority.
- (6) The register shall contain the following information about simplified planning zone schemes in the area of the authority—
- (a) brief particulars of any action taken by the authority or the Secretary of State in accordance with section 24A(4)(40) or Schedule 8A(41) to the Act to establish or approve any simplified planning zone scheme, including the date of adoption or approval, the date on which the scheme or alteration becomes operative and the date on which it ceases to be operative;
  - (b) a copy of any simplified planning zone scheme, or alteration to an existing scheme, including any diagrams, illustrations, descriptive matter or any other prescribed material which has been made available for inspection under Schedule 8A of the Act;
  - (c) an index map showing the boundary of any operative or proposed simplified planning zone schemes, including alterations to existing schemes where appropriate, together with a reference to the entries in the register under (a) and (b) above.
- (7) To enable any person to trace any entry in the register, every register shall include an index together with a separate index of applications for development involving mining operations or the creation of mineral working deposits.

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(39) Section 88 was substituted by paragraph 5 of the Schedule to the Local Government and Planning (Amendment) Act 1981 (c. 41).

(40) Schedule 24A was inserted by section 25(1) of the Housing and Planning Act 1986.

(41) Schedule 8A was inserted by Part I of Schedule 6 to the Housing and Planning Act 1986.



(8) Every entry in the register shall be made within 14 days of the receipt of an application, or of the giving or making of the relevant direction, decision or approval as the case may be.

(9) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

(10) For the purposes of paragraph (2) of this article, an application shall not be treated as finally disposed of unless—

- (a) it has been decided by the authority (or the appropriate period allowed under article 23(2) of this order has expired without their giving a decision) and the period of six months specified in article 26 of this order has expired without any appeal having been made to the Secretary of State;
- (b) if it has been referred to the Secretary of State under section 35 of the Act or an appeal has been made to the Secretary of State under section 36 of the Act, the Secretary of State has issued his decision and the period of six weeks specified in section 245 of the Act has expired without any application having been made to the High Court under that section;
- (c) an application has been made to the High Court under section 245 of the Act and the matter has been finally determined, either by final dismissal of the application by a court or by the quashing of the Secretary of State's decision and the issue of a fresh decision (without a further application under the said section 245); or
- (d) it has been withdrawn before being decided by the authority, or an appeal has been withdrawn before the Secretary of State has issued his decision.

### **Register of enforcement and stop notices**

**28.**—(1) Subject to paragraph (2) of this article the register under section 92A of the Act<sup>(42)</sup> shall contain the following information with respect to every enforcement notice issued in relation to land in the area of the authority maintaining the register—

- (a) the address of the land to which the notice relates or a plan by reference to which its situation can be ascertained;
- (b) the name of the issuing authority;
- (c) the date of issue of the notice;
- (d) the date of service of copies of the notice;
- (e) a statement or summary of the breach of planning control alleged and the requirements of the notice, including the period within which any required steps are to be taken;
- (f) the date specified in the notice as the date on which it is to take effect;
- (g) information on any postponement of the date specified as the date on which the notice will take effect by reason of section 88(10) of the Act (appeal to the Secretary of State) and the date of the final determination or withdrawal of any appeal;
- (h) the date of service and, if applicable, of withdrawal of any stop notice referring to the enforcement notice, together with a statement or summary of the activity prohibited by any such stop notice;
- (i) the date, if any, on which the local planning authority are satisfied that steps required by the notice for a purpose mentioned in section 87(10)(b)<sup>(43)</sup> of the Act (removal or alleviation of injury to amenity) have been taken.

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<sup>(42)</sup> Section 92A was inserted by paragraph 6 of the Schedule to the Local Government and Planning (Amendment) Act 1981 (c. 41).

<sup>(43)</sup> Section 87 was substituted by paragraph 1 of the Schedule to the Local Government and Planning (Amendment) Act 1981.

(2) The entry relating to any enforcement notice or stop notice and everything relating to any such notice shall be removed from the register if the enforcement notice is quashed by the Secretary of State or withdrawn.

(3) Every register shall include an index for enabling a person to trace any entry in the register by reference to the address of the land to which the notice relates.

(4) Where a county planning authority issue an enforcement notice or serve a stop notice, they shall supply the information specified in paragraph (1) of this article to the district planning authority in whose area the land to which the notice relates is situated and shall inform the district planning authority of the withdrawal or quashing of any enforcement notice.

(5) The information prescribed in paragraph (1) of this article shall be entered in the register as soon as practicable and in any event within 14 days of the occurrence to which it relates, and information shall be so supplied under paragraph (4) that entries may be made within the said period of 14 days.

(6) The register shall either be kept at the principal office of the local planning register authority or that part of the register which relates to land in part of that authority's area shall be kept at a place within or convenient to that part.

### **Established use certificates**

**29.**—(1) An application to a local planning authority for an established use certificate shall be in writing, shall be accompanied by plans identifying clearly the land to which the application relates and shall give—

- (a) the address or location of the land;
- (b) a description of the use in respect of which a certificate is sought (being a use subsisting on the date when the application is made);
- (c) if there is more than one use of the land at the date when the application is made, a full description of all uses of the land at the date and, where appropriate, an indication of the part of the land to which each of the uses relates;
- (d) whether the use referred to in sub-paragraph (b) was begun before 1st January 1964 and, if not, the date when it was begun;
- (e) if the use referred to in sub-paragraph (b) was begun on or after 1st January 1964, particulars of the use of the land at 31st December 1963 and all subsequent intervening uses, including the date when each such use began and ended;
- (f) the nature of the applicant's interest in the land;
- (g) a statement of the grounds (as set out in section 94(1) of the Act) upon which a certificate is sought;
- (h) such other information as the applicant considers necessary to substantiate or make good his claim.

(2) An application for an established use certificate shall be accompanied by such supporting evidence as the applicant can provide and, where a certificate is being sought on ground (b) of section 94(1) of the Act (use begun before 1964 under a planning permission granted subject to conditions or limitations which have not been complied with), a copy of the relevant planning permission or, where this cannot be supplied, details of the condition in question and such other particulars as the applicant can provide.

(3) The local planning authority may, by notice in writing, require the applicant for an established use certificate to provide such further information as may be specified, to enable them to deal with the application.

(4) An application for an established use certificate shall not be entertained by the local planning authority unless it is accompanied by one of the following certificates signed by or on behalf of the applicant—

- (a) a certificate stating that at the beginning of the period of twenty-one days ending with the date of the application, no person (other than the applicant) was the owner of any of the land to which the application relates;
- (b) a certificate stating that the applicant has given the requisite notice of the application to all the persons (other than the applicant) who, at the beginning of the period of twenty-one days ending with the date of the application, were owners of any of the land to which the application relates, and setting out the names of those persons, the addresses at which notice of the application was given to each of them, and the date of service of each such notice;
- (c) a certificate stating that the applicant is unable to issue a certificate in accordance with either of the preceding sub-paragraphs, that he has given the requisite notice of the application to one or more of the persons mentioned in sub-paragraph (b) as are specified in the certificate (setting out their names, the addresses at which notice of the application was given to each of them and the date of the service of each notice), that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the remainder of those persons and that he has been unable to do so; or
- (d) a certificate stating that the applicant is unable to issue a certificate in accordance with sub-paragraph (a) of this paragraph, that he has taken such steps as are reasonably open to him (specifying them) to ascertain the names and addresses of the persons mentioned in sub-paragraph (b) of this paragraph and that he has been unable to do so.

(5) For the purposes of this article a person shall be treated as an owner of the land if—

- (a) in respect of any part of the land, he is entitled to the freehold or a lease, the unexpired term of which at the relevant time is not less than 7 years; or
- (b) he is the occupier of any part of the land.

(a) (6) (a) All certificates given pursuant to paragraph (4) shall contain—

- (i) a statement that none of the land to which the application relates constitutes or forms part of an agricultural holding; or
- (ii) a statement that the applicant has given the requisite notice of the application to every person (other than the applicant) who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, with the names of each such person, the address at which notice of the application was given to him, and the date of service of that notice.

(b) A certificate of the kind mentioned in paragraph (4)(c) or (d) shall also contain a statement that the requisite notice of the application, as set out in the certificate, has, on a date specified in the certificate (being a date not earlier than the beginning of the period mentioned in paragraph (4)(b)), been published in a local newspaper circulating in the locality in which the land in question is situated.

(7) Where an application for an established use certificate is accompanied by such a certificate as is mentioned in paragraph (4)(b),(c) or (d) of this article, or by a certificate containing a statement in accordance with paragraph (6)(a)(ii), the local planning authority—

- (a) shall not determine the application before the end of the period of 21 days beginning with the date appearing from the certificate to be the latest of the dates of service of notices as mentioned in the certificate, or the date of publication of a notice as therein mentioned, whichever is the later;

- (b) in determining the application, shall take into account any representations made before the end of the period mentioned in the preceding sub-paragraph, by any person who satisfies them that he is an owner of land to which the application relates or that he is the tenant of an agricultural holding the whole or part of which is comprised in that land; and
- (c) shall give notice of their decision to every person who has made representations which they were required to take into account in accordance with sub-paragraph (b).

(8) Article 10(1) and (2) and 23(4) of this order shall apply to an application for an established use certificate as they apply to an application for planning permission.

(9) In the case of an application which falls to be determined by the county planning authority, the district planning authority shall as soon as practicable notify the applicant that the application will be so determined and transmit to the county planning authority the application, all relevant plans, drawings, statements, particulars, certificates and correspondence and a statement of any action taken by the district planning authority in relation to the application.

(10) The local planning authority shall give notice to the applicant of their decision (or the reference of the application to the Secretary of State, as the case may be) within a period of eight weeks beginning with the date of receipt of the application, or (except where the applicant has already given notice of appeal to the Secretary of State) such extended period as may be agreed upon in writing between the applicant and the authority responsible for determining the application.

(11) Where an established use certificate is refused, the local planning authority shall give notice of their decision in writing with a clear and precise statement of the full grounds for their decision and a statement to the effect that if the applicant is aggrieved by the decision he may appeal to the Secretary of State under section 95(2) of the Act.

(12) An applicant who desires to appeal against a decision of a local planning authority refusing an established use certificate, or refusing it in part, or against a deemed refusal of such a certificate, shall give notice of appeal in writing to the Secretary of State within six months of the date of notice of the decision or of the expiry of the period allowed under paragraph (10) of this article, as the case may be, or such longer period as the Secretary of State may at any time allow. Such persons shall also provide the Secretary of State with copies of each of the following documents—

- (a) the application;
- (b) all relevant plans, drawings, statements and particulars submitted with it (including the certificate given under paragraph (4) of this article);
- (c) the notice of the decision, if any;
- (d) all other relevant documents and correspondence with the local planning authority.

(13) The provisions of paragraphs (3) to (6) of this article shall apply with any necessary modifications in relation to an appeal to the Secretary of State as they apply in relation to an application to the local planning authority for an established use certificate.

(14) Article 27 of this order (registers) shall apply in relation to applications for established use certificates as it applies in relation to applications for a determination under section 53 of the Act, with the modification that for the reference in paragraph (4)(a) to the proposal forming the subject of the application there shall be substituted a reference to the use in respect of which a certificate is sought.

(15) Any certificate given pursuant to paragraph (4) of this article shall be in the appropriate form set out in Part 1 of Schedule 5 hereto, and “requisite notice” for the purposes of that paragraph means a notice in the appropriate form set out in Part 1 or Part 2 of Schedule 6.

(16) Established use certificates shall be issued in the form set out in Part 3 of Schedule 6 to this order.

### **Directions**

**30.** Any power conferred by this order to give a direction includes power to cancel or vary the direction by a subsequent direction.

### **Revocations and savings**

**31.**—(1) The statutory instruments specified in Schedule 7 hereto are hereby revoked.

(2) Any direction made by a local highway authority under article 12 of the Town and Country Planning General Development Order 1977(**44**) shall cease to have effect except insofar as it relates to applications made before the date of coming into force of this order.

20th October 1988

*Nicholas Ridley*  
Secretary of State for the Environment

21st October 1988

*Peter Walker*  
Secretary of State for Wales

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## SCHEDULE 1

### PART 1

#### ARTICLE 1(5) LAND

Land within—

- (a) a National Park;
- (b) an area of outstanding natural beauty;
- (c) an area designated by a local planning authority as a conservation area under powers conferred by section 277 of the Act<sup>(45)</sup>;
- (d) an area specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of section 41(3) of the Wildlife and Countryside Act 1981<sup>(46)</sup> (enhancement and protection of the natural beauty and amenity of the countryside).

### PART 2

#### ARTICLE 1(6) LAND

Land within a National Park or within the following areas—

- (a) In England, land outside the boundaries of a National Park, which is within the parishes listed below—

in the district of Allerdale:—

Blindcrake, Bothel and Threapland, Bridekirk, Brigham, Broughton, Broughton Moor, Camerton, Crosscanonby, Dean, Dearham, Gilcruix, Great Clifton, Greysouthen, Little Clifton, Loweswater, Oughterside and Allerby, Papcastle, Plumbland, Seaton, Winscales;

in the borough of Copeland:—

Arlecdon and Frizington, Cleator Moor, Distington, Drigg and Carleton, Egremont, Gosforth, Haile, Irton with Santon, Lamplugh, Lowca, Lowside Quarter, Millom, Millom Without, Moresby, Parton, Ponsonby, St Bees, St Bridget's Beckermeth, St John's Beckermeth, Seascale, Weddicar;

in the district of Eden:—

Ainstable, Asby, Bandleyside, Bolton, Brough, Brough Sowerby, Brougham, Castle Sowerby, Catterlen, Clifton, Cliburn, Crackenthorpe, Crosby Garrett, Crosby Ravensworth, Culgaith, Dacre, Dufton, Glassonby, Great Salkeld, Great Strickland, Greystoke, Hartley, Hesket, Hillbeck, Hunsonby, Hutton, Kaber, Kings Meaburn, Kirkby Stephen, Kirby Thore, Kirkoswald, Langwathby, Lazonby, Little Strickland, Long Marton, Lowther, Mallerstang, Milburn, Morland, Mungrisdale, Murton, Musgrave, Nateby, Newbiggin, Newby, Orton, Ousby, Ravenstonedale, Shap, Skelton, Sleagill, Sockbridge and Tirril, Soulby, Stainmore, Tebay, Temple Sowerby, Thrimby, Waitby, Warcop, Wharton, Winton, Yanwath and Eamont Bridge;

in the borough of High Peak:—

<sup>(45)</sup> Inserted by section 1 of the Town and Country Planning Amenities Act 1974 (c. 32).

<sup>(46)</sup> 1981 c. 69.

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Chapel-en-le-Frith, Charlesworth, Chinley Buxworth and Brownside, Chisworth, Green Fairfield, Hartington Upper Quarter, Hayfield, King Sterndale, Tintwistle, Wormhill;

in the district of South Lakeland:—

Aldingham, Angerton, Arnside, Barbon, Beetham, Blawith and Subberthwaite, Broughton West, Burton, Casterton, Docker, Egton-with-Newland, Fawcett Forest, Firbank, Grayrigg, Helsington, Heversham, Hincaster, Holme, Hutton Roof, Killington, Kirkby Ireleth, Kirkby Lonsdale, Lambrigg, Levens, Lower Allithwaite, Lower Holker, Lowick, Lupton, Mansergh, Mansriggs, Middleton, Milnthorpe, Natland, New Hutton, Old Hutton and Holmescales, Osmotherley, Pennington, Preston Patrick, Preston Richard, Scalthwaite, Sedgwick, Skelsmergh, Stainton, Strickland Ketel, Strickland Roger, Urswick, Whinfell, Whitwell and Selside;

in the district of West Derbyshire:—

Aldwark, Birchover, Stanton; and

(b) In Wales land outside the boundaries of a National Park which is—

(i) within the communities listed below:

in the borough of Aberconwy:—

Caerhun, Dolgarrog;

in the borough of Arfon:—

Betws Garmon, Bontnewydd, Llanberis, Llanddeiniolen, Llandwrog, Llanllyfni, Llanwnda, Waunfawr;

in the district of Meirionnydd:—

Arthog, Corris, Llanfrothen, Penrhyndeudraeth; and

(ii) within the specified parts of the communities listed below:

in the borough of Aberconwy, those parts of the following communities which were on 31st March 1974 within the former rural district of Nant Conway:—

Conwy, Henryd, Llanddoged and Maenan, Llanrwst, Llansanffraid Glan Conwy;

in the borough of Arfon, those parts of the following communities which were on 31st March 1974 within the former rural district of Gwyrfa:—

Caernarfon, Llandygai, Llanrug, Pentir, Y Felinheli;

in the district of Dwyfor, that part of the community of Porthmadog which was on 31st March 1974 within the former rural district of Deudraeth and those parts of the following communities which were on that date within the former rural district of Gwyrfa:—

Clynnog, Dolbenmaen, Llanaelhaearn;

in the district of Glyndwr, those parts of the following communities which were on 31st March 1974 within the former rural district of Penllyn:—

Llandrillo, Llangwm;

in the district of Meirionnydd, those parts of the following communities which were on 31st March 1974 within the former rural district of Deudraeth:—

Ffestiniog, Talsarnau;

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and those parts of the following communities which were on that date within the former rural district of Dolgellau:—

Barmouth, Mawddwy;

and that part of the community of Llandderfel which was on that date within the former rural district of Penllyn.

## SCHEDULE 2

### PART 1

#### DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

##### Class A

##### Permitted development

##### A. The enlargement, improvement or other alteration of a dwellinghouse.

##### Development not permitted

##### A.1 Development is not permitted by Class A if—

- (a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—
  - (i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10%, whichever is the greater;
  - (ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater;
  - (iii) in any case, by more than 115 cubic metres;
- (b) the height of the resulting building would exceed the height of the highest part of the roof of the original dwellinghouse;
- (c) any part of the resulting building would be nearer to any highway which bounds its curtilage than—
  - (i) the part of the original dwellinghouse nearest to that highway; or
  - (ii) 20 metres,whichever is nearest to the highway;
- (d) any part of the resulting building which is within 2 metres of the boundary of the curtilage of the dwellinghouse would exceed 4 metres in height;
- (e) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (f) it would consist of or include the installation, alteration or replacement of a satellite antenna;
- (g) it would consist of or include the erection of a building within the curtilage of a listed building; or
- (h) it would consist of or include an alteration to any part of the roof.



**A.2** In the case of a dwellinghouse on any article 1(5) land, development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles.

### **Interpretation of Class A**

**A.3** For the purposes of Class A—

- (a) the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes including calculating cubic content where—
  - (i) the dwellinghouse is on article 1(5) land, or
  - (ii) in any other case, any part of that building is within 5 metres of any part of the dwellinghouse;
- (b) where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

### **Class B**

#### **Permitted development**

**B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.**

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;
- (c) it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;
- (d) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—
  - (i) in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,
  - (ii) in any other case, by more than 70 metres or 15%, whichever is the greater, or
  - (iii) in any case, by more than 115 cubic metres; or
- (e) the dwellinghouse is on article 1(5) land.

### **Class C**

#### **Permitted development**

**C. Any other alteration to the roof of a dwellinghouse.**

#### **Development not permitted**

**C.1** Development is not permitted by Class C if it would result in a material alteration to the shape of the dwellinghouse.

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## **Class D**

### **Permitted development**

**D. The erection or construction of a porch outside any external door of a dwellinghouse.**

### **Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;
- (b) any part of the structure would be more than 3 metres above ground level; or
- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

## **Class E**

### **Permitted development**

**E. The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse, or the maintenance, improvement or other alteration of such a building or enclosure.**

### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) it relates to a dwelling or a satellite antenna;
- (b) any part of the building or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than—
  - (i) the part of the original dwellinghouse nearest to that highway, or
  - (ii) 20 metres,whichever is nearer to the highway;
- (c) where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, any part of it would be within 5 metres of any part of the dwellinghouse;
- (d) the height of that building or enclosure would exceed—
  - (i) 4 metres, in the case of a building with a ridged roof; or
  - (ii) 3 metres, in any other case;
- (e) the total area of ground covered by buildings or enclosures within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); or
- (f) in the case of any article 1(5) land or land within the curtilage of a listed building, it would consist of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres.

### **Interpretation of Class E**

**E.2** For the purposes of Class E “purpose incidental to the enjoyment of the dwellinghouse” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

## **Class F**

### **Permitted development**

**F. The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse.**

## **Class G**

### **Permitted development**

**G. The erection or provision within the curtilage of a dwellinghouse of a container for the storage of oil for domestic heating.**

### **Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) the capacity of the container would exceed 3500 litres;
- (b) any part of the container would be more than 3 metres above ground level; or
- (c) any part of the container would be nearer to any highway which bounds the curtilage than—
  - (i) the part of the original building nearest to that highway, or
  - (ii) 20 metres,whichever is nearer to the highway.

## **Class H**

### **Permitted development**

**H. The installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse.**

### **Development not permitted**

**H.1** Development is not permitted by Class H if—

- (a) the size of the antenna (excluding any projecting feed element) when measured in any dimension would exceed 90 centimetres;
- (b) there is any other satellite antenna on the dwellinghouse or within its curtilage;
- (c) the highest part of the antenna to be installed on a dwellinghouse would be higher than the highest part of the roof on which it would be installed.

### **Interpretation of Part I**

**I. For the purposes of Part 1—**

“resulting building” means the dwellinghouse as enlarged, improved or altered, taking into account any enlargement, improvement or alteration to the original dwellinghouse, whether permitted by this Part or not.

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**PART 2**  
**MINOR OPERATIONS**  
**Class A**

**Permitted development**

**A. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

**Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level;
- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed two metres above ground level;
- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in sub-paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or
- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

**Class B**

**Permitted development**

**B. The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any class in this Schedule (other than by Class A of this Part).**

**Class C**

**Permitted development**

**C. The painting of the exterior of any building or work.**

**Development not permitted**

**C.1** Development is not permitted by Class C where the painting is for the purpose of advertisement, announcement or direction.

**Interpretation**

**C.2** In Class C “painting” includes any application of colour.

**PART 3**  
**CHANGES OF USE**  
**Class A**

**Permitted development**

**A. Development consisting of a change of the use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink) of that Schedule or from a use for the sale, or display for sale, of motor vehicles.**

**Class B**

**Permitted development**

**B. Development consisting of a change of the use of a building—**

- (a) to a use for any purpose falling within Class B1 (business) of the Schedule to the Use Classes Order from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of that Schedule;**
- (b) to a use for any purpose falling within Class B8 (storage and distribution) of that Schedule from any use falling within Class B1 (business) or B2 (general industrial).**

**Development not permitted**

**B.1** Development is not permitted by Class B where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 235 square metres of floorspace in the building.

**Class C**

**Permitted development**

**C. Development consisting of a change of use to a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink) of that Schedule.**

**Class D**

**Permitted development**

**D. Development consisting of a change of use of any premises with a display window at ground floor level to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A2 (financial and professional services) of that Schedule.**

**Class E**

**Permitted development**

**E. Development consisting of change in the use of any building or other land from a use permitted by a planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.**

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### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) the application for planning permission referred to was made before the date of coming into force of this order;
- (b) it would be carried out more than ten years after the grant of planning permission; or
- (c) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

## **PART 4**

### **TEMPORARY BUILDINGS AND USES**

#### **Class A**

#### **Permitted development**

**A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.**

#### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the operations referred to are mining operations, or
- (b) planning permission is required for those operations but is not granted or deemed to be granted.

#### **Conditions**

**A.2** Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

- (a) any building, structure, works, plant or machinery permitted by this Class shall be removed, and
- (b) any adjoining land on which development permitted by this Class has been carried out shall as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

#### **Class B**

#### **Permitted development**

**B. The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes referred to in paragraph B.2, and the provision on the land of any moveable structure for the purposes of the permitted use.**

#### **Development not permitted**

**B.1** Development is not permitted by Class B if—

- (a) the land in question is a building or is within the curtilage of a building, or

- (b) the use of the land is for a caravan site.

### **Interpretation of Class B**

**B.2** The purposes mentioned in Class B above are—

- (a) the holding of a market;
- (b) motor car and motorcycle racing including trials of speed, and practising for these activities;
- (c) clay pigeon shooting.

## **PART 5**

### **CARAVAN SITES**

#### **Class A**

#### **Permitted development**

**A. The use of land, other than a building, as a caravan site in the circumstances referred to in paragraph A.2.**

#### **Condition**

**A.1** Development is permitted by Class A subject to the condition that the use shall be discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site shall be removed as soon as reasonably practicable,

#### **Interpretation of Class A**

**A.2** The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act, but in relation to those mentioned in paragraph 10 do not include use for winter quarters.

#### **Class B**

#### **Permitted development**

**B. Development required by the conditions of a site licence for the time being in force under the 1960 Act.**

## **PART 6**

### **AGRICULTURAL BUILDINGS AND OPERATIONS**

#### **Class A**

#### **Permitted development**

**A. The carrying out on agricultural land comprised in an agricultural unit of—**

- (a) **works for the erection, extension or alteration of a building, or**
- (b) **any excavation or engineering operations,**

**reasonably necessary for the purposes of agriculture within that unit.**

### **Development not permitted**

**A.1** Development is not permitted by Class A if—

- (a) the development would be carried out on agricultural land less than 0.4 hectare in area;
- (b) it would consist of or include the erection, extension or alteration of a dwelling;
- (c) a building, structure or works not designed for the purposes of agriculture would be provided on the land;
- (d) the ground area to be covered by—
  - (i) any works or structure (other than a fence) for the purposes of accommodating livestock or any plant or machinery arising from engineering operations; or
  - (ii) any building erected or any building as extended or altered by virtue of this Class, would exceed 465 square metres, calculated as described in paragraph A.3.
- (e) the height of any part of the building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;
- (f) the height of any part of the building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;
- (g) any part of the development would be within 25 metres of the metalled portion of a trunk or classified road;
- (h) it would consist of engineering operations of a kind described in Class C below; or
- (j) it would consist of or include the erection or construction of, or the carrying out of any works to, a building, structure or excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge, and the building, structure or works is or would be within 400 metres of the curtilage of any protected building.

### **Conditions**

#### **A.2**

(1) Development is permitted by Class A subject to the following conditions—

- (a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development shall not be used for the accommodation of livestock or the storage of slurry or sewage sludge within a period of five years from the carrying out of those operations;
- (b) where the development involves—
  - (i) the extraction of any mineral from the land or from any disused railway embankment on the land, or
  - (ii) the removal of any mineral from a mineral-working deposit on the land, the mineral shall not be moved off the land, unless planning permission for the winning and working of that mineral has been granted on an application made under Part III of the Act;
- (c) in the case of development which involves the deposit of waste materials on or under the land, no waste materials shall be brought onto the land from elsewhere except for development of the kind described in Class A(a) or the creation of a hard surface, where the materials are incorporated into the building or works forthwith.

(2) In the case of any article 1(6) land, development consisting of the erection, extension or alteration of a building is permitted by Class A subject to the following conditions—



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- (a) the developer shall, before beginning the development give the local planning authority a written description of the proposed development, the materials to be used and a plan indicating the site, and shall not begin the development until a period of 28 days has elapsed from their receipt by the authority;
- (b) if within 28 days of receiving that description and plan the local planning authority give the developer notice in writing to that effect, the development shall not be begun without the prior approval of that authority to the siting, design and external appearance of the building;
- (c) the development shall, except to the extent that the local planning authority have agreed otherwise in writing, be carried out in accordance with—
  - (i) any details approved by that authority in accordance with subparagraph (b) above, or
  - (ii) the description and indication of siting given to them under subparagraph (a) above;
- (d) the development shall be carried out—
  - (i) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given,
  - (ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in subparagraph (a).

## **Interpretation of Class A**

### **A.3**

(1) For the purposes of Class A—

- (a) the area of 0.4 hectares shall be calculated without taking into account any separate parcels of land;
- (b) the ground area referred to in paragraph A.1(d) is the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant or machinery within the same unit which is being provided or has been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;
- (c) 400 metres is to be measured along the ground.

(2) For the purposes of this class—

“agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture, including—

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
- (b) any dwelling on that land occupied by a farmworker;

“building” does not include anything resulting from engineering operations;

“protected building” means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include—

- (i) a building within the agricultural unit,
- (ii) a building used for a purpose referred to in classes B3 to B7 (special industrial uses) of the Schedule to the Use Classes Order, or
- (iii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture.

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## **Class B**

### **Permitted development**

**B. The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.**

### **Development not permitted**

**B.1** Development is not permitted by Class B if any excavation would be made within 25 metres of the metalled portion of a trunk or classified road.

### **Condition**

**B.2** Development is permitted by Class B subject to the condition that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

### **Interpretation of Class B**

**B.3** For the purposes of Class B the expression “the purposes of agriculture” includes fertilising land used for the purposes of agriculture, and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.

## **Class C**

### **Permitted development**

**C. The carrying out on agricultural land used for the purposes of any registered business of fish farming or of shellfish farming of—**

- (a) **operations for the construction of fishponds, or**
- (b) **other engineering operations for the purposes of that business.**

### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) the area of the site within which the operations would be carried out exceeds 2 hectares;
- (b) any part of the operation would be carried out within 25 metres of the metalled portion of a trunk or classified road;
- (c) in a case where the operations would involve the winning or workings of minerals—
  - (i) any excavation would exceed a depth of 2.5 metres; or
  - (ii) the area of any excavation, taken together with any other excavations carried out on the land within the preceding two years, would exceed 0.2 hectares.

### **Interpretation of Class C**

**C.2** For the purposes of Class C—

“construction of fishponds” includes the excavation of land and the winning and working of minerals for that purpose;

“fishpond” means a pond, tank, reservoir, stew or other structure used for the keeping of live fish or the cultivation or propagation of shellfish;

“registered business of fish farming or shellfish farming” means such a business registered in a register kept by the Minister of Agriculture Fisheries and Food or the Secretary of State (as the case may be) for the purposes of an order made under section 7 of the Diseases of Fish Act 1983<sup>(47)</sup>.

## **Interpretation of Part 6**

### **D. For the purposes of Part 6,**

“agricultural land” means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden.

## **PART 7**

### **FORESTRY BUILDINGS AND OPERATIONS**

#### **Class A**

#### **Permitted development**

**A. The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—**

- (a) works for the erection, extension or alteration of a building;**
- (b) the formation, alteration or maintenance of private ways;**
- (c) operations on that land, or on land held or occupied with that land, to obtain the materials required for the formation, alteration or maintenance of such ways,**
- (d) other operations (not including engineering or mining operations).**

#### **Development not permitted**

**A.1** Development is not permitted by this Class if—

- (a) it would consist of or include the provision or alteration of a dwelling;**
- (b) the height of any building or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres in height, or**
- (c) any part of the development would be within 25 metres of the metalled portion of a trunk or classified road.**

#### **Conditions**

**A.2** In the case of any article 1(6) land, development consisting of the erection, extension or alteration of a building or the formation or alteration of a private way is permitted by this class subject to the following conditions—

- (a) the developer shall before beginning the development, give the local planning authority a written description of the proposed development and the materials to be used and a**

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<sup>(47)</sup> 1983 c. 30.

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- plan indicating the site, and shall not begin the development until a period of 28 days has elapsed from their receipt by the authority;
- (b) if within 28 days of receiving that description and plan the local authority give the developer notice in writing to that effect, the development shall not be begun without the prior approval of that authority to the siting, design and external appearance of the building and the siting and means of construction of the private way;
  - (c) the development shall, except to the extent that the local planning authority have agreed otherwise in writing, be carried out in accordance with—
    - (i) any details approved by that authority in accordance with subparagraph (b), or
    - (ii) the description and indication of siting given to them under subparagraph (a);
  - (d) the development shall be carried out—
    - (i) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given,
    - (ii) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in subparagraph (a).

## PART 8

### INDUSTRIAL AND WAREHOUSE DEVELOPMENT

#### Class A

#### Permitted development

##### A. The extension or alteration of an industrial building or a warehouse.

#### Development not permitted

##### A.1 Development is not permitted by Class A if—

- (a) the building as extended or altered is to be used for purposes other than those of the undertaking concerned;
- (b) the building is to be used for a purpose other than the carrying out of an industrial process, or, in the case of a warehouse, other than storage or distribution;
- (c) the height of the building as extended or altered would exceed the height of the original building;
- (d) the cubic content of the original building would be exceeded by more than—
  - (i) 10%, in respect of development on any article 1(5) land, or
  - (ii) 25%, in any other case;
- (e) the floorspace of the original building would be exceeded by more than—
  - (i) 500 square metres in respect of development on any article 1(5) land, or
  - (ii) 1,000 square metres in any other case;
- (f) the external appearance of the premises of the undertaking concerned would be materially affected;
- (g) any part of the development would be carried out within 5 metres of any boundary of the curtilage of the premises; or

- (h) the development would lead to a reduction in the space available for the parking or turning of vehicles.

## **Interpretation of Class A**

### **A.2**

- (1) For the purposes of Class A—
  - (a) the erection of any additional building within the curtilage of another building (whether by virtue of this class or otherwise) and used in connection with it is to be treated as the extension of that building, and the additional building is not to be treated as an original building;
  - (b) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

## **Class B**

### **Permitted development**

#### **B. Development carried out on industrial land for the purposes of an industrial process consisting of—**

- (a) **the installation of additional or replacement plant or machinery,**
- (b) **the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or**
- (c) **the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.**

### **Development not permitted**

#### **B.1** Development described in Class B(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned, or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

## **Interpretation of Class B**

**B.2** In Class B “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay, but does not include land in or adjacent to and occupied together with a mine.

## **Class C**

### **Permitted development**

#### **C. The creation of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned.**

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## **Class D**

### **Permitted development**

**D. The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.**

### **Development not permitted**

**D.1** Development is not permitted by Class D if—

- (a) the waste material is or includes material resulting from the winning and working of minerals, or
- (b) the use on 1st July 1948 was for the deposit of material resulting from the winning and working of minerals.

### **Interpretation of Part 8**

**E. For the purposes of Part 8,**

In Classes A and C of this Part—

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking but does not include a building on land in or adjacent to and occupied together with a mine;

“warehouse” does not include a building on land in or adjacent to and occupied together with a mine.

## **PART 9**

### **REPAIRS TO UNADOPTED STREETS AND PRIVATE WAYS**

#### **Class A**

### **Permitted development**

**The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way**

## **PART 10**

### **REPAIRS TO SERVICES**

#### **Class A**

### **Permitted development**

**The carrying out of any works for the purposes of inspecting, repairing or renewing any sewer, main, pipe, cable or other apparatus, including breaking open any land for that purpose.**

## PART 11

### DEVELOPMENT UNDER LOCAL OR PRIVATE ACTS OR ORDERS

#### Class A

##### Permitted development

###### A. Development authorised by—

- (a) a local or private Act of Parliament,
- (b) an order approved by both Houses of Parliament, or
- (c) any order made under section 14 or 16 of the Harbours Act 1964(48)

which designates specifically the nature of the development authorised and the land upon which it may be carried out.

##### Condition

###### A.1 Development is not permitted by Class A if it consists of or includes—

- (a) the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam, or
- (b) the formation, laying out or alteration of a means of access to any highway used by vehicular traffic,

unless the prior approval of the detailed plans and specifications of the appropriate authority is first obtained.

##### Prior Approvals

A.2 The prior approval referred to in paragraph A.1 is not to be refused by the appropriate authority nor are conditions to be imposed unless they are satisfied that—

- (a) the development (other than the provision of or works carried out to a dam) ought to be and could reasonably be carried out elsewhere on the land; or
- (b) the design or external appearance of any building, bridge, aqueduct, pier or dam would injure the amenity of the neighbourhood and is reasonably capable of modification to avoid such injury.

##### Interpretation of Class A

###### A.3 In this class “appropriate authority” means—

- (a) in Greater London or a metropolitan county, the local planning authority,
- (b) in a National Park, outside a metropolitan county, the county planning authority,
- (c) in any other case, the district planning authority.

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(48) 1964 c. 40.

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## PART 12

### DEVELOPMENT BY LOCAL AUTHORITIES

#### Class A

##### Permitted development

**A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—**

- (a) **any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;**
- (b) **lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse-troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, and similar structures or works required in connection with the operation of any public service administered by them.**

##### Interpretation of Class A

**A.1** The reference in Class A to any small building, works or equipment is a reference to building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

#### Class B

##### Permitted development

**B. The deposit by a local authority of waste material on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.**

##### Development not permitted

**B.1** Development is not permitted by Class B if the waste material is or includes material resulting from the winning and working of minerals.

## PART 13

### DEVELOPMENT BY LOCAL HIGHWAY AUTHORITIES

#### Class A

##### Permitted development

**The carrying out by a local highway authority on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.**



**PART 14**  
**DEVELOPMENT BY DRAINAGE BODIES**  
**Class A**

**Permitted development**

**A. Development by a drainage body in, on or under a watercourse or land drainage works in connection with the improvement, maintenance or repair of the watercourse or works.**

**Interpretation of Class A**

**A.1** For the purposes of Class A “drainage body” means a drainage body within the meaning of the Land Drainage Act 1976(49) which is not a water authority.

**PART 15**  
**DEVELOPMENT BY WATER AUTHORITIES**  
**Class A**

**Permitted development**

- A. Development by a water authority for the purposes of their functions consisting of—**
- (a) development not above ground level required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe, sludge main or associated apparatus,**
  - (b) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge,**
  - (c) development in, on or under any watercourse or land drainage works and required in connection with the improvement or maintenance or repair of that watercourse or those land drainage works,**
  - (d) the provision of a building, plant or machinery or apparatus in, on, over or under land for the purpose of survey or investigation,**
  - (e) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel,**
  - (f) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house,**
  - (g) any works authorised by or required in connection with an order made under section 1 or 2 of the Drought Act 1976(50),**
  - (h) any other development in, on, over or under their operational land, other than the provision of a building but including the extension or alteration of a building.**

**Development not permitted**

**A.1** Development is not permitted by Class A if—

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(49) 1976 c. 70.

(50) 1976 c. 44.

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- (a) in the case of any Class A(b) development, it would include the construction of a reservoir,
- (b) in the case of any Class A(f) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level or under a highway used by vehicular traffic,
- (c) in the case of any Class A(h) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected, or
  - (ii) the height of the original building would be exceeded, or the content of the original building would be exceeded by more than 25%, or
  - (iii) the floorspace of the original building would be exceeded by more than 1,000 square metres, or
- (d) in the case of any Class A(h) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

### **Condition**

**A.2** Development is permitted by Class A(d) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development concerned, whichever is the sooner, all such operations shall cease and all such buildings, plant or apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

## **PART 16**

### **DEVELOPMENT FOR SEWERAGE AND SEWAGE DISPOSAL**

#### **Permitted development**

**A.** Any development not above ground level on behalf of a water authority required in connection with the provision, improvement, maintenance or repair of a sewer, outfall pipe or sludge main or associated apparatus.

#### **Interpretation of Class A**

**A.1** For the purposes of Class A “water authority” includes a development corporation authorised under section 34 of the New Town Act 1981(51) to exercise powers relating to sewerage or sewage disposal.

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(51) 1981 c. 64.

**PART 17**  
**DEVELOPMENT BY STATUTORY UNDERTAKERS**  
**Class A**

**Railway or light railway undertakings**

**Permitted development**

**A. Development by railway undertakers on their operational land, required in connection with the movement of traffic by rail.**

**Development not permitted**

**A.1** Development is not permitted by Class A if it consists of or includes—

- (a) the construction of a railway,
- (b) the constructions or erection of a hotel, railway station or bridge, or
- (c) the construction or erection otherwise than wholly within a railway station of—
  - (i) an office, residential or educational building, or a building used for an industrial process,
  - (ii) a car park, shop, restaurant, garage, petrol filling station or other building or structure provided under transport legislation.

**Interpretation of Class A**

**A.2** For the purposes of Class A references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

**Class B**

**Dock, pier, harbour, water transport, canal or inland navigation undertakings**

**Permitted development**

**B. Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required—**

- (a) for the purposes of shipping, or
- (b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.

**Development not permitted**

**B.1** Development is not permitted by Class B if it consists of or includes—

- (a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic,
- (b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of—
  - (i) an educational building, or

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- (ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

### **Interpretation of Class B**

**B.2** For the purposes of Class B references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected.

### **Class C**

#### **Works to inland waterways**

#### **Permitted development**

**C. The improvement, maintenance or repair of an inland waterway (other than a commercial waterway or cruising waterway) to which section 104 of the Transport Act 1968(52) applies, and the repair or maintenance of a culvert, weir, lock, aqueduct, sluice, reservoir, let-off valve or other work used in connection with the control and operation of such a waterway.**

### **Class D**

#### **Dredgings**

#### **Permitted development**

**D. The use of any land by statutory undertakers in respect of dock, pier, harbour, water transport, canal or inland navigation undertaking for the spreading of any dredged material.**

### **Class E**

#### **Water or hydraulic power undertakings**

#### **Permitted development**

**E. Development for the purposes of their undertaking by statutory undertakers for the supply of water or hydraulic power consisting of—**

- (a) development not above ground level required in connection with the supply of water or for conserving, redistributing or augmenting water resources, or for the conveyance of water treatment sludge,
- (b) development in, on or under any watercourse and required in connection with the improvement or maintenance of that watercourse,
- (c) the provision of a building, plant, machinery or apparatus in, on, over or under land for the purpose of survey or investigation,
- (d) the maintenance, improvement or repair of works for measuring the flow in any watercourse or channel,
- (e) the installation in a water distribution system of a booster station, valve house, meter or switch-gear house,
- (f) any works authorised by or required in connection with an order made under section 1 or 2 of the Drought Act 1976(53),

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(52) 1968 c. 73.

(53) 1976 c. 44.

- (g) **any other development in, on, over or under operational land other than the provision of a building but including the extension or alteration of a building.**

### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) in the case of any Class E(a) development, it would include the construction of a reservoir,
- (b) in the case of any Class E(e) development involving the installation of a station or house exceeding 29 cubic metres in capacity, that installation is carried out at or above ground level or under a highway used by vehicular traffic,
- (c) in the case of any Class E(g) development, it would consist of or include the extension or alteration of a building so that—
  - (i) its design or external appearance would be materially affected;
  - (ii) the height of the original building would be exceeded, or the cubic content of the original building would be exceeded by more than 25%, or
  - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres, or
- (d) in the case of any Class E(g) development, it would consist of the installation or erection of any plant or machinery exceeding 15 metres in height or the height of anything it replaces, whichever is the greater.

### **Condition**

**E.2** Development is permitted by Class E(c) subject to the condition that, on completion of the survey or investigation, or at the expiration of 6 months from the commencement of the development, whichever is the sooner, all such operations shall cease and all such buildings, plant or apparatus shall be removed and the land restored as soon as reasonably practicable to its former condition (or to any other condition which may be agreed with the local planning authority).

## **Class F**

### **Gas Suppliers**

### **Permitted development**

**F.** Development by a public gas supplier required for the purposes of its undertaking consisting of—

- (a) **the laying underground of mains, pipes or other apparatus;**
- (b) **the installation in a gas distribution system of apparatus for measuring, recording, controlling or varying the pressure, flow or volume of gas, and structures for housing such apparatus;**
- (c) **the construction in any storage area or protective area specified in an order made under section 4 of the Gas Act 1965(54), of boreholes, and the erection or construction in any such area of any plant or machinery required in connection with the construction of such boreholes;**
- (d) **the placing and storage on land of pipes and other apparatus to be included in a main or pipe which is being or is about to be laid or constructed in pursuance of planning permission granted or deemed to be granted under Part III of the Act;**

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(54) 1965 c. 36.

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- (e) **the erection on operational land of the public gas supplier of a building solely for the protection of plant or machinery;**
- (f) **any other development carried out in, on, over or under the operational land of the public gas supplier.**

### **Development not permitted**

**F.1** Development is not permitted by Class F if—

- (a) in the case of any Class F(b) development involving the installation of a structure for housing apparatus exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level, or under a highway used by vehicular traffic,
- (b) in the case of any Class F(c) development
  - (i) the borehole is shown in an order approved by the Secretary of State for Energy for the purpose of section 4(6) of the Gas Act 1965; or
  - (ii) any plant or machinery would exceed 6 metres in height,
- (c) in the case of any Class F(e) development, the building would exceed 15 metres in height, or
- (d) in the case of any Class F(f) development—
  - (i) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected;
  - (ii) it would involve the installation of plant or machinery exceeding 15 metres in height, or capable without the carrying out of additional works of being extended to a height exceeding 15 metres; or
  - (iii) it would consist of or include the replacement of any plant or machinery, by plant or machinery exceeding 15 metres in height or exceeding the height of the plant or machinery replaced, whichever is the greater.

### **Conditions**

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

- (a) in the case of any Class F(a) development, not less than 8 weeks before the beginning of operations to lay a notifiable pipeline, the public gas supplier shall give notice in writing to the local planning authority of its intention to carry out that development, identifying the land under which the pipeline is to be laid,
- (b) in the case of any Class F(d) development, on completion of the laying or construction of the main or pipe, or at the expiry of a period of 9 months from the beginning of the development, whichever is the sooner, the pipe or apparatus shall be removed and the land restored as soon as reasonably practicable to its condition before the development took place (or to any other condition which may be agreed with the local planning authority),
- (c) in the case of any Class F(e) development, approval of the details of the design and external appearance of the building shall be obtained, before the development is begun, from—
  - (i) in Greater London or a metropolitan county, the local planning authority,
  - (ii) in a National Park, outside a metropolitan county, the county planning authority,
  - (iii) in any other case, the district planning authority.

## **Class G**

### **Electricity Undertakings**

#### **Permitted development**

**G. Development by statutory undertakers for the supply of electricity for the purposes of their undertaking consisting of—**

- (a) **the laying underground of pipes, cables or any other apparatus, and the construction of shafts and tunnels reasonably necessary in connection with such pipes, cables or apparatus;**
- (b) **the installation in an electric line of feeder or service pillars or transforming or switching stations or chambers;**
- (c) **the installation of service lines to individual consumers from an electric line;**
- (d) **the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;**
- (e) **the extension or alteration of buildings on operational land;**
- (f) **the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;**
- (g) **any other development carried out in, on, over or under the operational land of the undertaking.**

#### **Development not permitted**

**G.1** Development is not permitted by Class G if—

- (a) in the case of any Class G(b) development involving the installation of a chamber for housing apparatus exceeding 29 cubic metres in capacity, that installation would be carried out at or above ground level, or under a highway used by vehicular traffic;
- (b) in the case of any Class G(e) development—
  - (i) the height of the original building would be exceeded,
  - (ii) the cubic content of the original building would be exceeded by more than 25% (or 10% in the case of any building on article 1(5) land), or
  - (iii) the floorspace of the original building would be exceeded by more than 1000 square metres (or 500 square metres in the case of any building on article 1(5) land);
- (c) in the case of any Class G(f) development, the building would exceed 15 metres in height, or
- (d) in the case of any Class G(g) development, it would consist of or include—
  - (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
  - (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

#### **Conditions**

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

- (a) in the case of any Class G(d) development, on the completion of that development, or at the end of a period of six months from the beginning of that development (whichever is

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- the sooner) any such plant or machinery shall be removed and the land shall be restored as soon as reasonably practicable to its condition before the development took place,
- (b) in the case of any Class G(f) development, approval of details of the design and external appearance of the buildings shall be obtained, before development is begun, from—
- (i) in Greater London or a metropolitan county, the local planning authority,
  - (ii) in a National Park, outside a metropolitan county, the county planning authority,
  - (iii) in any other case, the district planning authority.

## **Class H**

### **Tramway or road transport undertakings**

#### **Permitted development**

**H. Development required for the purposes of the carrying on of any tramway or road transport undertaking consisting of—**

- (a) **the installation of posts, overhead wires, underground cables, feeder pillars or transformer boxes in, on, over or adjacent to a highway for the purpose of supplying current to public service vehicles;**
- (b) **the installation of tramway tracks, and conduits, drains and pipes in connection with such tracks for the working of tramways;**
- (c) **the installation of telephone cables and apparatus, huts, stop posts and signs required in connection with the operation of public service vehicles;**
- (d) **the erection or construction and the maintenance, improvement or other alteration of passenger shelters and barriers for the control of people waiting to enter public service vehicles;**
- (e) **any other development on operational land of the undertaking.**

#### **Development not permitted**

**H.1** Development is not permitted by Class H, if it would consist of—

- (a) in the case of any Class H(a) development, the installation of a structure exceeding 17 cubic metres in capacity,
- (b) in the case of any Class H(e) development—
  - (i) the erection of a building or the reconstruction or alteration of a building where the design or external appearance would be materially affected,
  - (ii) the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any plant or machinery it replaces, whichever is the greater,
  - (iii) development, not wholly within an omnibus or tramway station, in pursuance of powers contained in transport legislation.



## **Class I**

### **Lighthouse undertakings**

#### **Permitted development**

**I. Development required for the purposes of the functions of a general or local lighthouse authority under the Merchant Shipping Act 1894(55) and any other statutory provision made with respect to a local lighthouse authority, or in the exercise by a local lighthouse authority of rights, powers or duties acquired by usage prior to the Act of 1894.**

#### **Development not permitted**

**I.1** Development is not permitted by Class I if it consists of or includes the erection of offices, or the reconstruction or alteration of offices where their design or external appearance would be materially affected.

## **Class J**

### **Post Office**

#### **Permitted development**

**J. Development required for the purposes of the Post Office consisting of—**

- (a) **the installation of posting boxes or self-service machines,**
- (b) **any other development carried out in, on, over or under the operational land of the undertaking.**

#### **Development not permitted**

**J.1** Development is not permitted by Class J if—

- (a) it would consist of or include the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
- (b) it would consist of or include the installation or erection by way of addition or replacement of any plant or machinery which would exceed 15 metres in height or the height of any existing plant or machinery, whichever is the greater.

## **PART 18**

### **AVIATION DEVELOPMENT**

#### **Class A—**

##### **Development at an airport**

#### **Permitted development**

**A. The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.**

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(55) 1894 c. 60.

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### **Development not permitted**

**A.1** Development is not permitted by Class A if it would consist of or include—

- (a) the construction or extension of a runway;
- (b) the construction of a passenger terminal the floorspace of which would exceed 500 square metres;
- (c) the extension or alteration of a passenger terminal, where the floorspace of the building as existing at the date of coming into force of this order or, if built after that date, of the building as built, would be exceeded by more than 15%;
- (d) the erection of a building other than an operational building;
- (e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.

### **Condition**

**A.2** Development is permitted by Class A subject to the condition that the relevant airport operator consults the local planning authority before carrying out any development, unless that development falls within the description in paragraph A.3(2).

### **Interpretation of Class A**

#### **A.3**

(1) For the purposes of paragraph A.1 floorspace shall be calculated by external measurement and without taking account of the floorspace in any pier or satellite.

(2) Development falls within this paragraph if—

- (a) it is urgently required for the efficient running of the airport, and
- (b) it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.

### **Class B—**

#### **Air navigation development at an airport**

### **Permitted development**

**B.** The carrying out on operational land within the perimeter of a relevant airport by a relevant airport operator or its agent of development in connection with—

- (a) the provision of air traffic control services,
- (b) the navigation of aircraft using the airport, or
- (c) the monitoring of the movement of aircraft using the airport.

### **Class C—**

#### **Air navigation development near an airport**

### **Permitted development**

**C.** The carrying out on operational land outside but within 8 kilometres of the perimeter of a relevant airport, by a relevant airport operator or its agent, of development in connection with—

- (a) **the provision of air traffic control services,**
- (b) **the navigation of aircraft using the airport, or**
- (c) **the monitoring of the movement of aircraft using the airport.**

#### **Development not permitted**

**C.1** Development is not permitted by Class C if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, with assisting the navigation of aircraft, or with monitoring the movement of aircraft using the airport;
- (b) any building erected would exceed a height of 4 metres;
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

#### **Class D**

##### **Development by the Civil Aviation Authority within an airport**

#### **Permitted development**

**D. The carrying out by the Civil Aviation Authority or its agents, within the perimeter of an airport at which the Authority provides air traffic control services, of development in connection with—**

- (a) **the provision of air traffic control services,**
- (b) **the navigation of aircraft using the airport, or**
- (c) **the monitoring of the movement of aircraft using the airport.**

#### **Class E**

##### **Development by the Civil Aviation Authority for air traffic control and navigation**

#### **Permitted development**

**E. The carrying out on operational land of the Civil Aviation Authority by the authority or its agents of development in connection with—**

- (a) **the provision of air traffic control services,**
- (b) **the navigation of aircraft, or**
- (c) **monitoring the movement of aircraft.**

#### **Development not permitted**

**E.1** Development is not permitted by Class E if—

- (a) any building erected would be used for a purpose other than housing equipment used in connection with the provision of air traffic control services, assisting the navigation of aircraft or monitoring the movement of aircraft;
- (b) any building erected would exceed a height of 4 metres; or
- (c) it would consist of the installation or erection of any radar or radio mast, antenna or other apparatus which would exceed 15 metres in height, or, where an existing mast, antenna or apparatus is replaced, the height of that mast, antenna or apparatus, if greater.

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## **Class F**

### **Development by the Civil Aviation Authority in an emergency**

#### **Permitted development**

**F. The use of land by or on behalf of the Civil Aviation Authority in an emergency to station moveable apparatus replacing unserviceable apparatus.**

#### **Condition**

**F.1** Development is permitted by Class F subject to the condition that on or before the expiry of a period of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

## **Class G**

### **Development by the Civil Aviation Authority for air traffic control etc.**

#### **Permitted development**

**G. The use of land by or on behalf of the Civil Aviation Authority to provide services and facilities in connection with—**

- (a) the provision of air traffic control services,**
- (b) the navigation of aircraft, or**
- (c) the monitoring of aircraft,**

**and the erection or placing of moveable structures on the land for the purpose of that use.**

#### **Condition**

**G.1** Development is permitted by Class G subject to the condition that, on or before the expiry of the period of 6 months beginning with the date on which the use began, the use shall cease, and any structure shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

## **Class H**

### **Development by the Civil Aviation Authority for surveys etc.**

#### **Permitted development**

**H. The use of land by or on behalf of the Civil Aviation Authority for the stationing and operation of apparatus in connection with the carrying out of surveys or investigations.**

#### **Condition**

**H.1** Development is permitted by Class H subject to the condition that on or before the expiry of the period of 6 months beginning with the date on which the use began, the use shall cease, and any apparatus shall be removed, and the land shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

## Class J

### Use of airport buildings managed by relevant airport operators

#### Permitted development

**J. The use of buildings within the perimeter of an airport managed by a relevant airport operator for purposes connected with air transport services or other flying activities at that airport.**

#### Interpretation of Part 18

**K. For the purposes of Part 18—**

“operational building” means a building, other than a hotel, required in connection with the movement or maintenance of aircraft, or with the embarking, disembarking, loading, discharge or transport of passengers, livestock or goods at a relevant airport;

“relevant airport” means an airport to which Part V of the Airports Act 1986(56) applies;

“relevant airport operator” means a relevant airport operator within the meaning of section 57 of the Airports Act 1986.

## PART 19

### DEVELOPMENT ANCILLARY TO MINING OPERATIONS

#### Class A

#### Permitted development

**A. The carrying out of operations for the erection, extension, installation, rearrangement, replacement, repair or other alteration of any—**

- (a) **plant or machinery,**
- (b) **buildings,**
- (c) **private ways or private railways or sidings, or**
- (d) **sewers, mains, pipes, cables or other similar apparatus,**

**on land used as a mine.**

#### Development not permitted

**A.1. Development is not permitted by Class A—**

- (a) in relation to land at an underground mine—
  - (i) otherwise than on an approved site; or
  - (ii) from a date 6 months after the coming into force of this order, on land within the definition in paragraph D.1(b), unless a plan of that land has before that date been deposited with the mineral planning authority;
- (b) if the principal purpose of the development would be any purpose other than—
  - (i) purposes in connection with the winning and working of minerals at that mine or of minerals brought to the surface at that mine; or

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(56) 1986 c. 31.

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- (ii) the treatment, storage or removal from the mine of such minerals or waste materials derived from them;
- (c) if the external appearance of the mine would be materially affected;
- (d) if any building, plant or machinery which is not in an excavation would exceed a height of—
  - (i) 15 metres above ground level;
  - (ii) the building, plant or machinery, if any, which is being rearranged, repaired or replaced,whichever is the greater;
- (e) if any building, plant or machinery in an excavation would exceed a height of—
  - (i) 15 metres above the excavated ground level; or
  - (ii) 15 metres above the lowest point of the unexcavated ground immediately adjacent to the excavation; or
  - (iii) the building, plant or machinery, if any, which is being rearranged, repaired or replaced,whichever is the greatest;
- (f) if any building erected (other than a replacement building) would have a floor space exceeding 1000 square metres; or
- (g) if the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1000 square metres the floor space of that building.

### **Condition**

**A.2.** Development is permitted by Class A subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant or machinery permitted by this Class shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall be restored, so far as is practicable, to its condition before the development took place, or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

### **Class B**

#### **Permitted development**

**B.** The carrying out, on land used as a mine or on ancillary mining land, with the prior approval of the mineral planning authority, of operations for the erection, installation, extension, rearrangement, replacement, repair or other alteration of any—

- (a) **plant or machinery,**
- (b) **buildings, or**
- (c) **structures or erections.**

#### **Development not permitted**

**B.1.** Development is not permitted by Class B—

- (a) in relation to land at an underground mine—
  - (i) otherwise than on an approved site; or
  - (ii) from a date 6 months after the coming into operation of this order, on land within the definition in paragraph D.1(b), unless a plan of that land has, before that date, been deposited with the mineral planning authority; or
- (b) if the principal purpose of the development would be any purpose other than—
  - (i) purposes in connection with the operation of the mine,
  - (ii) the treatment, preparation for sale, consumption or utilization of minerals won or brought to the surface at that mine, or
  - (iii) the storage or removal from the mine of such minerals, their products or waste materials derived from them.

**B.2.** The prior approval referred to in Class B shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

#### **Condition.**

**B.3.** Development is permitted by Class B subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant, machinery, structures or erections permitted by this Class shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall be restored, so far as is practicable, to its condition before the development took place or restored to such condition as may have been agreed in writing between the mineral planning authority and the developer.

### **Class C**

#### **Permitted development**

**C.** The carrying out with the prior approval of the mineral planning authority of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.

#### **Development not permitted**

**C.1.** Development is not permitted by Class C if it is carried out by the British Coal Corporation, or any lessee or licensee of theirs.

#### **Prior approvals**

**C.2.—(1)** The prior approval of the mineral planning authority to development permitted by Class C is not required if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;

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- (b) no building, plant, machinery, structure or erection—
  - (i) would exceed a height of 15 metres above ground level, or
  - (ii) where a building, plant or machinery is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was replaced, rearranged or repaired, whichever is the greater; and
- (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in paragraph (3) below.
- (2) The approval referred to in Class C shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—
  - (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
  - (b) the proposed development ought to be, and could reasonably be, sited elsewhere.
- (3) The limits referred to in paragraph C.2(1)(c) are—
  - (a) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%, and
  - (b) that the floor area of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

## **Interpretation of Part 19**

**D.1** An area of land is an approved site for the purposes of Part 19 if—

- (a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted, as land which may be used for development described in this Part; or
- (b) in any other case, it is land immediately adjoining an active access to an underground mine which, on the date of coming into force of this order, was in use for the purposes of that mine, in connection with the purposes described in paragraph A.1(b)(i) or (ii) or paragraph B.1(b)(i) to (iii) above.

**D.2.** For the purposes of Part 19—

“active access” means a surface access to underground workings which is in normal and regular use for the transportation of minerals, materials, spoil or men;

“ancillary mining land” means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act;

“minerals” includes coal won or worked by virtue of section 36(1) of the Coal Industry Nationalisation Act 1946(57), but not any other coal;

“the prior approval of the mineral planning authority” means prior written approval of that authority of detailed proposals for the siting, design and external appearance of the proposed building, plant or machinery as erected, installed, extended or altered;

“underground mine” is a mine at which minerals are worked principally by underground methods.

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(57) 1946 c. 59.



## PART 20

### BRITISH COAL MINING DEVELOPMENT

#### Class A

##### Permitted development

**A. The winning and working underground by the British Coal Corporation, their lessees or licensees, in a mine started before 1st July 1948, of coal or coal-related minerals, and any underground development incidental to such winning and working.**

##### Interpretation of Class A

**A.1.** For the purposes of this class “coal-related minerals” means minerals other than coal referred to in paragraph 1(2) of Schedule 1 to the Coal Industry Nationalisation Act 1946.

#### Class B

##### Permitted development

**B. Any development required for the purposes of a mine which is carried out on an authorised site at that mine by the British Coal Corporation, their lessees or licensees, in connection with coal industry activities.**

##### Development not permitted

**B.1.** Development is not permitted by Class B if—

- (a) the external appearance of the mine would be materially affected;
- (b) any building, plant or machinery structure or erection or any deposit of minerals or waste—
  - (i) would exceed a height of 15 metres above ground level, or
  - (ii) where a building, plant or machinery would be rearranged, replaced or repaired, the resulting development would exceed a height of 15 metres above ground level or the height of what was replaced, rearranged or repaired, whichever is the greater;
- (c) any building erected (other than a replacement building) would have a floor space exceeding 1000 square metres;
- (d) the cubic content of any replaced, extended or altered building would exceed by more than 25% the cubic content of the building replaced, extended or altered or the floor space would exceed by more than 1000 square metres, the floor space of that building;
- (e) it would be for the purpose of creating a new surface access to underground workings or of improving an existing access (which is not an active access) to underground workings; or
- (f) from a date 6 months after the coming into force of this order, it would be carried out on land within the definition in paragraph F.2(1)(b), and a plan of that land has not, before that date, been deposited with the mineral planning authority.

##### Conditions

**B.2.** Development is permitted by Class B subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

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- (a) all buildings, plant and machinery, structures or erections or deposits of minerals or waste permitted by this class shall be removed from the land unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall, so far as is practicable, be restored to its condition before the development took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer.

### **Class C**

#### **Permitted development**

**C. Any development required for the purposes of a mine which is carried out on an authorised site at that mine by the British Coal Corporation, their lessees or licensees in connection with coal industry activities and with the prior approval of the mineral planning authority.**

#### **Development not permitted**

**C.1.** Development is not permitted by Class C if—

- (a) it would be for the purpose of creating a new surface access or improving an existing access (which is not an active access) to underground workings; or
- (b) from a date 6 months after the coming into force of this order, it would be carried out on land within the definition in paragraph F.2(1)(b), and a plan of that land has not before that date, been deposited with the mineral planning authority.

#### **Condition**

**C.2.** Development is permitted by Class C subject to the condition that before the end of the period of 24 months from the date when the mining operations have permanently ceased, or any longer period which the mineral planning authority agree in writing—

- (a) all buildings, plant and machinery, structures or erections or deposits of minerals or waste permitted by this class shall be removed from the land, unless the mineral planning authority have otherwise agreed in writing; and
- (b) the land shall, so far as is practicable, be restored to its condition before the development took place or to such condition as may have been agreed in writing between the mineral planning authority and the developer.

#### **Interpretation**

**C.3.** The prior approval referred to in Class C shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—

- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

## **Class D**

### **Permitted development**

**D. The carrying out of operations by the British Coal Corporation for the purpose of prospecting for coal workable by opencast methods and the use of land for that purpose while such operations are being carried out.**

### **Conditions**

**D.1.** Development is permitted by Class D subject to the following conditions—

- (a) at least 42 days before the development is begun, notice in writing has been served on the mineral planning authority, indicating the nature, extent and probable duration of the development;
- (b) as soon as possible after the end of the period of the carrying out of the prospecting operations—
  - (i) any buildings, plant, machinery or waste materials shall be removed; and
  - (ii) any boreholes shall be sealed and any other excavations filled in and levelled, any topsoil removed being replaced as the uppermost layer.

## **Class E**

### **Permitted development**

**E. The carrying out by the British Coal Corporation, their lessees or licensees, with the prior approval of the mineral planning authority, of development required for the maintenance or safety of a mine or a disused mine or for the purposes of ensuring the safety of the surface of the land at or adjacent to a mine or a disused mine.**

### **Prior approvals**

**E.1.—(1)** The prior approval of the mineral planning authority to development permitted by Class E is not required if—

- (a) the external appearance of the mine or disused mine at or adjacent to which the development is to be carried out would not be materially affected;
  - (b) no building, plant or machinery, structure or erection—
    - (i) would exceed a height of 15 metres above ground level, or
    - (ii) where any building, plant or machinery, structure or erection is rearranged, replaced or repaired, would exceed a height of 15 metres above ground level or the height of what was replaced, rearranged or repaired, whichever is the greater; and
  - (c) the development consists of the extension, alteration or replacement of an existing building, within the limits set out in paragraph (3).
- (2) The approval referred to in Class E shall not be refused or granted subject to conditions unless the authority are satisfied that it is expedient to do so because—
- (a) the proposed development would injure the amenity of the neighbourhood and modifications could reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury, or
  - (b) the proposed development ought to be, and could reasonably be, sited elsewhere.
- (3) The limits referred to in paragraph E.1(c) are—

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- (i) that the cubic content of the building as extended, altered or replaced does not exceed that of the existing building by more than 25%; and
- (ii) that the floor area of the building as extended, altered or replaced does not exceed that of the existing building by more than 1,000 square metres.

### **Interpretation of Part 20**

#### **F.1. For the purposes of Part 20—**

“active access” is a surface access to underground workings which is in normal and regular use for the transportation of coal, materials, spoil or men;

“coal industry activities” means such activities as defined in section 63 of the Coal Industry Nationalisation Act 1946;

“normal and regular use” is use other than intermittent visits to inspect and maintain the fabric of the mine or any plant or machinery;

“prior approval of the mineral planning authority” means prior written approval of that authority of detailed proposals for the siting, design and external appearance of the proposed building, plant or machinery or structure or erection as erected, installed, extended or altered.

#### **F.2.—(1) Subject to sub-paragraph (2), land is an authorised site for the purposes of Part 20 if—**

- (a) it is identified in a grant of planning permission or any instrument by virtue of which planning permission is deemed to be granted as land which may be used for development described in this Part; or
- (b) in any other case, it is land immediately adjoining an active access which, on the date of coming into force of this order, was in use for the purposes of that mine in connection with coal industry activities.

#### **(2) For the purposes of sub-paragraph (1), land is not to be regarded as in use in connection with coal industry activities if—**

- (a) it is used for the permanent deposit of waste derived from the winning and working of minerals; or
- (b) there is on, over or under it a railway, conveyor, aerial ropeway, roadway, overhead power line or pipeline which is not itself surrounded by other land used for those purposes.

## **PART 21**

### **WASTE TIPPING AT A MINE**

#### **Class A**

#### **Permitted development**

**A. The deposit, on premises used as a mine or on ancillary mining land already used for the purpose, of waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine, or from the treatment or the preparation for sale, consumption or utilization of minerals from the mine.**

#### **Development not permitted**

**A.1.** Development is not permitted by Class A if—

- (a) in the case of waste deposited in an excavation, waste would be deposited at a height above the level of the land adjoining the excavation, unless that is provided for in a waste management scheme or a relevant scheme;
- (b) in any other case, the superficial area or height of the deposit (measured as at the date of the making of this order) would be increased by more than 10%, unless such an increase is provided for in a waste management scheme or in a relevant scheme.

### Conditions

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

- (a) except in a case where a relevant scheme or a waste management scheme has already been approved by the mineral planning authority, the developer shall, if the mineral planning authority so require, within three months or such longer period as the authority may specify, submit a waste management scheme for that authority's approval,
- (b) where a waste management scheme or a relevant scheme has been approved, the depositing of waste and all other activities in relation to that deposit shall be carried out in accordance with the scheme as approved.

### Interpretation

**A.3.** For the purposes of Class A—

“ancillary mining land” means land adjacent to and occupied together with a mine at which the winning and working of minerals is carried out in pursuance of planning permission granted or deemed to be granted under Part III of the Act;

“waste management scheme” means a scheme required by the mineral planning authority to be submitted for their approval in accordance with the condition in paragraph A.2(a) which makes provision for—

- (a) the manner in which the depositing of waste (other than waste deposited on a site for use for filling any mineral excavation in the mine or on ancillary mining land in order to comply with the terms of any planning permission granted on an application or deemed to be granted under Part III of that Act) is to be carried out after the date of the approval of that scheme,
- (b) where appropriate, the stripping and storage of the subsoil and topsoil,
- (c) the restoration and aftercare of the site.

## Class B

### Permitted development

**B. The deposit on land comprised in a site used for the deposit of waste materials or refuse on 1st July 1948 of waste resulting from colliery production activities.**

### Development not permitted

**B.1.** Development is not permitted by Class B on or after a date 3 months after the coming into force of this order unless—

- (a) it is in accordance with a relevant scheme which has been approved by the mineral planning authority before the date of coming into force of this order; or
- (b) an application for planning permission has been made—
  - (i) the development is in terms of the permission sought; and

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- (ii) the application has not been determined by the mineral planning authority, or, if an appeal is made, the Secretary of State.

### **Interpretation of Class B**

**B.2.** For the purposes of Class B—

“colliery production activities” has the meaning it is given in paragraph 2 of Schedule 1 to the Coal Industry Nationalisation Act 1946(58).

### **Interpretation of Part 21**

**C.** For the purposes of Part 21—

“relevant scheme” means a scheme, other than a waste management scheme, requiring approval by the mineral planning authority in accordance with a condition or limitation on any planning permission granted or deemed to be granted under Part III of the Act, for making provision for the manner in which the deposit of waste is to be carried out and for the carrying out of other activities in relation to that deposit.

## **PART 22**

### **MINERAL EXPLORATION**

#### **Class A**

#### **Permitted development**

**A. Development on any land during a period not exceeding 28 consecutive days consisting of—**

- (a) **the drilling of boreholes,**
- (b) **the carrying out of seismic surveys, or**
- (c) **the making of other excavations,**

**for the purpose of mineral exploration, and the provision or assembly on that land or adjoining land of any structure required in connection with any of those operations.**

#### **Development not permitted**

**A.1.** Development is not permitted by Class A if—

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) any operation would be carried out within 50 metres of any part of an occupied residential building or a building occupied as a hospital or school;
- (c) any operation would be carried out within a National Park, an area of outstanding natural beauty or a site of archaeological or special scientific interest;
- (d) any explosive charge of more than 1 kilogram would be used;
- (e) any excavation referred to in paragraph A(c) would exceed 10 metres in depth or 12 square metres in surface area;

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(58) 1946 c. 59.

- (f) in the case described in paragraph A(c) more than 10 excavations would, as a result, be made within any area of 1 hectare within the land during any period of 24 months; or
- (g) any structure assembled or provided would exceed 12 metres in height, or, where the structure would be within 3 kilometres of the perimeter of an aerodrome, 3 metres in height.

### **Conditions**

**A.2.** Development is permitted by this class subject to the following conditions—

- (a) no operations shall be carried out between 6pm and 7am;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the mineral planning authority have so agreed in writing;
- (c) before any excavation (other than a borehole) is made, any topsoil and any subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other;
- (d) within a period of 28 days from the cessation of operations unless the mineral planning authority have, in a particular case, agreed otherwise in writing—
  - (i) any structure permitted by Class A and any waste material arising from development permitted by Class A shall be removed from the land,
  - (ii) any borehole shall be adequately sealed,
  - (iii) any other excavation shall be filled with material from the site,
  - (iv) the surface of the land on which any operations have been carried out shall be levelled and any topsoil replaced as the uppermost layer, and
  - (v) the land shall, so far as is practicable, be restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

### **Interpretation of Class A**

**A.3.** For the purposes of Class A—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“structure” means a building, plant or machinery or other structure.

### **Class B**

#### **Permitted development**

**B.** Development on any land during a period not exceeding 4 months consisting of—

- (a) the drilling of boreholes,
- (b) the carrying out of seismic surveys, or
- (c) the making of other excavations,

**for the purposes of mineral exploration, and the provision or assembly on that land or on adjoining land of any structure required in connection with any of those operations.**

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## **Development not permitted**

**B.1.** Development is not permitted by Class B if—

- (a) it consists of the drilling of boreholes for petroleum exploration;
- (b) the developer has not previously notified the mineral planning authority in writing of his intention to carry out the development (specifying the nature and location of the development);
- (c) the relevant period has not elapsed;
- (d) any explosive charge of more than 2 kilograms would be used;
- (e) any excavation referred to in paragraph B(c) would exceed 10 metres in depth or 12 square metres in surface area; or
- (f) any structure assembled or provided would exceed 12 metres in height.

## **Conditions**

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

- (a) the development shall be carried out in accordance with the details in the notification referred to in paragraph B.1(b), unless the mineral planning authority have otherwise agreed in writing;
- (b) no trees on the land shall be removed, felled, lopped or topped and no other thing shall be done on the land likely to harm or damage any trees, unless the mineral planning authority have otherwise agreed in writing;
- (c) before any excavation other than a borehole is made, any topsoil and any subsoil shall be separately removed from the land to be excavated and stored separately from other excavated material and from each other,
- (d) within a period of 28 days from operations ceasing, unless the mineral planning authority have, in a particular case, agreed otherwise in writing—
  - (i) any structure permitted by Class B and any waste material arising from development so permitted shall be removed from the land,
  - (ii) any borehole shall be adequately sealed,
  - (iii) any other excavation shall be filled with material from the site,
  - (iv) the surface of the land shall be levelled and any topsoil replaced as the uppermost layer, and
  - (v) the land shall, so far as is practicable, be restored to its condition before the development took place, including the carrying out of any necessary seeding and replanting.

## **Interpretation of Class B**

**B.3.** For the purposes of Class B—

“mineral exploration” means ascertaining the presence, extent or quality of any deposit of a mineral with a view to exploiting that mineral;

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 6, 28 days after the notification referred to in paragraph B.1(b) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction, or



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- (b) where a direction is issued under article 6, 28 days from the date on which notice of that decision is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction;

“structure” means a building, plant or machinery or other structure.

## PART 23

### REMOVAL OF MATERIAL FROM MINERAL-WORKING DEPOSITS

#### Class A

##### Permitted development

**A. The removal of material of any description from a mineral-working deposit from which material was removed at any time during the period of 12 months before 19th May 1986.**

##### Development not permitted

**A.1.** Development is not permitted by Class A—

- (a) if no application was made before 19th November 1986 for planning permission to continue to remove material from the deposit;
- (b) where such an application has been made, except in the terms of the planning permission sought;
- (c) if the application has been determined by the mineral planning authority, or, if an appeal has been made, finally determined by the Secretary of State; or
- (d) if the removal of material from the deposit during the 12 month period was in breach of planning control.

#### Class B

##### Permitted development

**B. The removal of material of any description from a stockpile.**

#### Class C

##### Permitted development

**C. The removal of material of any description from a mineral-working deposit other than a stockpile.**

##### Development not permitted

**C.1.** Development is not permitted by Class C if—

- (a) the developer has not previously notified the mineral planning authority in writing of his intention to carry out development together with the appropriate details;
- (b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains any mineral or other material deposited on the land at a date 5 years or less before the date on which it would be removed; or

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- (c) the deposit derives from the carrying out of any operations permitted under Part 6 of this Schedule or any class in a previous development order which it replaces.

### **Conditions**

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

- (a) it shall be carried out in accordance with the details given in the notice sent to the mineral planning authority referred to in paragraph C.1(a) above, unless that authority have agreed otherwise in writing;
- (b) if the mineral planning authority so require, the developer shall within a period of 3 months from the date of the requirement (or such other longer period as that authority may provide) submit to them for approval a scheme providing for the restoration and aftercare of the site;
- (c) where such a scheme is required, the site shall be restored and aftercare shall be carried out in accordance with the provisions of the approved scheme;
- (d) development shall not be commenced until the relevant period has elapsed.

### **Interpretation of Class C**

**C.3.** In Class C—

“appropriate details” means the nature of the development, the exact location of the mineral-working deposit from which the material would be removed, the proposed means of vehicular access to the site at which the development is to be carried out, and the earliest date at which any mineral presently contained in the deposit was deposited on the land;

“relevant period” means the period elapsing—

- (a) where a direction is not issued under article 6, 28 days after the notification referred to in paragraph C.1(a) or, if earlier, on the date on which the mineral planning authority notify the developer in writing that they will not issue such a direction; or
- (b) where a direction is issued under article 6, 28 days from the date on which notice of that direction is sent to the Secretary of State, or, if earlier, the date on which the mineral planning authority notify the developer that the Secretary of State has disallowed the direction.

### **Interpretation of Part 23**

**D. In Classes B and C of this Part—**

“stockpile” means a mineral-working deposit consisting primarily of minerals which have been deposited for the purposes of their processing or sale.

## **PART 24**

### **DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS**

#### **Class A**

#### **Permitted development**

**A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator’s telecommunication system in, on, over or under land controlled by that operator or in accordance with his licence, consisting of—**

- (a) **the installation, alteration or replacement of any telecommunication apparatus, or**
- (b) **the use of land in an emergency for a period not exceeding 6 months to station and operate moveable telecommunication apparatus required for the replacement of unserviceable telecommunication apparatus, including the provision of moveable structures on the land for the purposes of that use.**

### **Development not permitted**

**A.1.** Development is not permitted by Class A(a) if—

- (a) in the case of the installation of apparatus (other than on a building or other structure) the apparatus would exceed a height of 15 metres above ground level;
- (b) in the case of the alteration or replacement of apparatus already installed (other than on a building or other structure), the apparatus would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (c) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the height of the apparatus (taken by itself) would exceed—
  - (i) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or
  - (ii) 10 metres in any other case;
- (d) in the case of the installation, alteration or replacement of apparatus on a building or other structure, the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than—
  - (i) 10 metres, in the case of a building or structure which is 30 metres or more in height;
  - (ii) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height;
  - (iii) 6 metres in any other case;
- (e) in the case of the installation or replacement of any apparatus other than—
  - (i) a mast,
  - (ii) any kind of antenna,
  - (iii) a public call box, or
  - (iv) any apparatus which does not project above the level of the surface of the ground, the ground or base area of the structure would exceed 1.5 square metres;
- (f) in the case of the installation, alteration or replacement on a building or structure of a microwave antenna or apparatus which includes or is intended for the support of such an antenna—
  - (i) the building or other structure on which the antenna is to be installed is less than 15 metres in height;
  - (ii) the size of the antenna when measured in any dimension would exceed 1.3 metres (excluding any projecting feed element); or
  - (iii) the development would result in the presence on the building or structure of more than two microwave antennas; or
- (g) in the case of development on any article 1(5) land, it would consist of—
  - (i) the installation or alteration of a microwave antenna or of any apparatus which includes or is intended for the support of such an antenna; or

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- (ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, unless the development is carried out in any emergency.

### Conditions

**A.2.**—(1) Class A(a) development is permitted subject to the condition that any antenna or supporting apparatus installed, altered or replaced on a building in accordance with that permission shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building.

(2) Class A(b) development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission shall at the expiry of the relevant period be removed from the land and the land restored to its condition before the development took place.

(3) Development on any article 1(5) land is permitted by Class A subject to the condition that in the case of the installation of apparatus on or over land controlled by the operator, he shall—

- (a) except in a case of emergency, give notice in writing to the local planning authority not less than eight weeks before development is begun of his intention to carry out such development; or
- (b) in a case of emergency, give written notice of such installation as soon as possible after the emergency begins.

### Interpretation

**A.3.** For the purposes of this class—

“1984 Act” means the Telecommunications Act 1984(59);

“land controlled by an operator” means land occupied by the operator in right of a freehold interest or a leasehold interest under a lease granted for a term of not less than 10 years;

“development in accordance with a licence” means development carried out by an operator in pursuance of a right conferred on that operator under the telecommunications code, and in accordance with any conditions relating to the application of that code imposed by the terms of his licence;

“relevant period” means a period which expires either six months from the commencement of the use permitted by this paragraph or when the need for that use ceases, whichever occurs first;

“telecommunications apparatus” means any apparatus falling within the definition of that term in paragraph 1 of Schedule 2 to the 1984 Act;

“the telecommunications code” means the code contained in Schedule 2 to the 1984 Act;

“telecommunications code system operator” means a person who has been granted a licence under section 7 of the 1984 Act which applies the telecommunications code to him in pursuance of section 10 of that Act;

“telecommunication system” has the meaning assigned to that term by section 4(1) of the 1984 Act.

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(59) 1984 c. 12.

## PART 25

### OTHER TELECOMMUNICATIONS DEVELOPMENT

#### Class A

##### Permitted development

**A. The installation, alteration or replacement on any building or other structure of a microwave antenna and any structure intended for the support of a microwave antenna.**

##### Development not permitted

**A.1.** Development is not permitted by Class A if—

- (a) the building is a dwellinghouse;
- (b) the development is permitted by Part 24;
- (c) the building or structure is less than 15 metres in height;
- (d) the development would result in the presence on the building or structure of more than two microwave antennas;
- (e) in the case of a satellite antenna, the size of the antenna, including its supporting structure but excluding any projecting feed element, would exceed 90 centimetres;
- (f) in the case of a terrestrial microwave antenna—
  - (i) the size of the antenna, when measured in any dimension but excluding any projecting feed element, would exceed 1.3 metres; and
  - (ii) the highest part of the antenna or its supporting structure would be more than 3 metres higher than the highest part of the building or structure on which it is installed or is to be installed; or
- (g) it is on article 1(5) land.

##### Conditions

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

- (a) the antenna shall, so far as is practicable, be sited so as to minimise its effect on the external appearance of the building or structure on which it is installed;
- (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed from the building or structure as soon as reasonably practicable.

## PART 26

### DEVELOPMENT BY THE HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND

#### Class A

##### Permitted development

**A. Development by or on behalf of the Historic Buildings and Monuments Commission for England, consisting of—**

- (a) **the maintenance, repair or restoration of any building or monument;**

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- (b) **the erection of screens, fences or covers designed or intended to protect or safeguard any building or monument; or**
- (c) **the carrying out of works to stabilise ground conditions by any cliff, water-course or the coastline;**

**where such works are required for the purposes of securing the preservation of any building or monument.**

#### **Development not permitted**

**A.1.** Development is not permitted by Class A(a) if the works involve the extension of the building or monument.

#### **Condition**

**A.2.** Except for development also falling within Class A(a), Class A(b) development is permitted subject to the condition that any structure erected in accordance with that permission shall be removed at the expiry of a period of 6 months (or such longer period as the local planning authority may agree in writing) from the date on which work to erect the structure was begun.

#### **Interpretation of Class A**

**A.3.** For the purposes of Class A, “building or monument” means any building or monument in the guardianship of the Historic Buildings and Monuments Commission for England or owned, controlled or managed by them.

## **PART 27**

### **USE BY MEMBERS OF CERTAIN RECREATIONAL ORGANISATIONS**

#### **Class A**

#### **Permitted development**

**A. The use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use.**

#### **Development not permitted**

**A.1.** Development is not permitted by Class A if the land is a building or is within the curtilage of a dwellinghouse.

#### **Interpretation**

**A.2.** For the purposes of Class A, a “recreational organisation” is an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936(60).

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(60) 1936 c. 49.

## PART 28

### DEVELOPMENT AT AMUSEMENT PARKS

#### Class A

##### Permitted development

###### A. Development on land used as an amusement park consisting of—

- (a) the erection of booths or stalls or the installation of plant or machinery to be used for or in connection with the entertainment of the public within the amusement park; or
- (b) the extension, alteration or replacement of any existing booths or stalls, plant or machinery so used.

##### Development not permitted

###### A.1. Development is not permitted by Class A if—

- (a) in the case of any plant or machinery installed, extended, altered or replaced pursuant to this permission, that plant or machinery—
  - (i) would, if the land or pier is within 3 kilometres of the perimeter of an aerodrome, exceed a height of 25 metres or the height of the highest existing structure (whichever is the lesser), or
  - (ii) would in any other case exceed a height of 25 metres;
- (b) in the case of an extension to an existing building or structure, that building or structure would as a result exceed 5 metres above ground level or the height of the roof of the existing building or structure, whichever is the greater; or
- (c) in any other case, the height of the building or structure erected, extended, altered or replaced would exceed 5 metres above ground level.

##### Interpretation of Class A

###### A.2. For the purposes of Class A—

“amusement park” means an enclosed area of open land, or any part of a seaside pier, which is principally used (other than by way of a temporary use) as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side-shows; but, where part only of an enclosed area is commonly so used as a funfair or for such public entertainment, only the part so used shall be regarded as an amusement park; and

“booths or stalls” includes buildings or structures similar to booths or stalls.

## SCHEDULE 3

### PART 1

#### TOWN AND COUNTRY PLANNING ACT 1971

**Letter to be sent by a local planning authority when it receives an application for planning permission or for an established use certificate**

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Thank you for your application dated ..... which I received on .....

I am still examining your application form and the accompanying plans and documents to see whether they comply with the law.\*

If I find that your application is invalid because it does not comply with the statutory requirements then I shall write to you again as soon as I can.\*

As this application relates to a county matter, I have sent it to the county planning authority for its decision.\*

I am now considering whether this application relates to a county matter. If it does, I shall write to you again when I send it to the county planning authority for its decision.\*

As the land which is the subject of your application lies within (insert name) .....\* National Park, I have sent your application to (insert name) ..... County Council/Planning Board\* for its decision.\*

If, by (insert date at end of period of eight weeks beginning with the date when the application was received) .....

- you have not been told that your application is invalid; or
- \*• you have not been told that your fee cheque has been dishonoured; or
- you have not been given a decision in writing; or
- you have not agreed in writing to extend the period in which the decision may be given,

then you can appeal to the Secretary of State for the Environment/Wales\* under sections 36 and 37/section 95(2)\* of the Town and Country Planning Act 1971. You must appeal within six months and you must use a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ\*. This does not apply if your application has already been referred to the Secretary of State for the Environment/Wales\*.

## PART 2

### TOWN AND COUNTRY PLANNING ACT 1971

**Notice to be sent to an applicant when a local planning authority refuses planning permission or grants it subject to conditions***(To be endorsed on notices of decision)*



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#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment/Wales\* under section 36 of the Town and Country Planning Act 1971.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ\*
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Environment/Wales\* refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

#### **Compensation**

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 169 and related provisions of the Town and Country Planning Act 1971.

\*delete where inappropriate

## SCHEDULE 4

### PART 1

#### Town and Country Planning Act 1971

**NOTICE UNDER SECTION 26(2)** *\*(to be published in a local newspaper)***NOTICE UNDER SECTION 26(3)** *\*(to be displayed on site)*

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Proposed development at (a) .....  
I give notice that (b) .....  
is applying to the (c) ..... Council  
for planning permission to (d) .....

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e) ..... during  
all reasonable hours until (f) .....

Anyone who wishes to make representations about this application should write to the Council at  
(g) .....

..... by (h) .....

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Council
- (d) description of the proposed development, including the relevant class designated in article 11 of the General Development Order
- (e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection at a place within the locality)
- (f) date giving a period of not less than 21 days, beginning with the date when the notice is published or first displayed on site (as the case may be)
- (g) address of Council

## PART 2

Town and Country Planning Act 1971

CERTIFICATE UNDER SECTION 26(2)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Certificate A**

I certify that:

- I/The applicant\* posted the notice required by section 26(3) of the Act on the land which is the subject of the accompanying application.
- This notice was left in position for at least seven days in a period of not more than one month immediately before the making of the application.

or

**Certificate B**

I certify that:

I have/The applicant has\* been unable to post the notice required by section 26(3) of the Act on the land which is the subject of the accompanying application because I have/the applicant has\* no rights of access or other rights in respect of the land that would enable me/the applicant\* to do so.

I have/The applicant has\* taken the following steps to acquire those rights, but have/has\* been unsuccessful.

(a) .....  
.....

or

**Certificate C**

I certify that:

- I/The applicant\* posted the notice required by section 26(3) of the Act on the land which is the subject of the accompanying application.
- It was, however, left in position for less than seven days in a period of not more than one month immediately before the making of the application.
- This happened because it was removed/obscured/defaced\* before seven days had passed during the period of one month mentioned above. This was not my/the applicant's\* fault or intent.
- I/The applicant\* took the following steps to protect and replace the notice:

(a) .....  
.....

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

Insert:

(a) description of steps taken

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 5

PART 1

Town and Country Planning Act 1971

Town and Country Planning General Development Order 1988

CERTIFICATE UNDER ARTICLE 29\***CERTIFICATE UNDER SECTION 27(1)(a)\***

**Certificate A(a)**

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application/appeal\* nobody, except the applicant/appellant\*, was the owner/(b) of any part of the land to which the application/appeal\* relates.

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

- 
- (a) This Certificate is for use both with applications and appeals for planning permission (section 27 of the Act) and for established use certificates (article 29 of the Order). References to either section 27 or article 29 should therefore be deleted as appropriate. One of Certificates A, B, C or D (or the certificates in Part 4 to this Schedule in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
  - (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years; or
    - (1) in the case of a section 27 certificate in respect of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver);
    - (2) in the case of an article 29 certificate, a person who is the occupier of any part of the land.

Town and Country Planning Act 1971

Town and Country Planning General Development Order 1988

CERTIFICATE UNDER ARTICLE 29\***CERTIFICATE UNDER SECTION 27(1)(b)\***

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Certificate B(x)**

I certify that:

I have/~~The applicant has~~/~~The appellant has~~\* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal, was the owner/(b) of any part of the land to which the application/appeal\* relates, as listed below.

Owner's(b) name	Address at which notice was served	Date on which notice was served
-----------------	------------------------------------	---------------------------------

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

(a) This Certificate is for use both with applications and appeals for planning permission (section 27 of the Act) and for established use certificates (article 29 of the Order). References to either section 27 or article 29 should therefore be deleted as appropriate. One of Certificates A, B, C or D (or the certificate in Part 4 to this Schedule in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.

(b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years; or:

- (1) in the case of a section 27 certificate in respect of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver);
- (2) in the case of an article 29 certificate, a person who is the occupier of any part of the land.

Town and Country Planning Act 1971

Town and Country Planning General Development Order 1988

**CERTIFICATE UNDER ARTICLE 29\*~~CERTIFICATE UNDER SECTION 27(1)(c)\*~~**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Certificate C(a)**

I certify that:

- I/The applicant/The appellant\* cannot issue a certificate in accordance with either paragraph (a) or paragraph (b) of section 27(1) of the Act/subparagraphs (a) or (b) of article 29(4) of the Order\* in respect of the accompanying application/appeal\*.
- I have/The applicant has/The appellant has\* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application/appeal\*, were owners/(b) of any part of the land to which the application/appeal\* relates.

Owner's (b) name	Address at which notice was served	Date on which notice was served
------------------	------------------------------------	---------------------------------

- I have/The applicant has/The appellant has\* taken all reasonable steps open to me/him/her\* to find out the names and addresses of the other owners/(b) of the land, or of a part of it, but have/has\* been unable to do so. These steps were as follows:-

(c) .....

.....

- Notice of the application/appeal\*, as attached to this Certificate, has been published

in the (d) .....

on (e) .....

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- 
- (a) This Certificate is for use both with applications and appeals for planning permission (section 27 of the Act) and for established use certificates (article 29 of the Order). References to either section 27 or article 29 should therefore be deleted as appropriate. One of certificates A, B, C or D (or the certificate in Part 4 to this Schedule in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.
- (b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years; or:
- (1) in the case of a section 27 certificate in respect of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver);
  - (2) in the case of an article 29 certificate, a person who is the occupier of any part of the land.

Insert:

- (c) description of steps taken
- (d) name of local newspaper circulating in the area where the land is situated
- (e) date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application or appeal)

## Town and Country Planning Act 1971

### Town and Country Planning General Development Order 1988

#### **CERTIFICATE UNDER ARTICLE 29\* CERTIFICATE UNDER SECTION 27(1)(d)\***

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Certificate D(a)**

I certify that:

- I/The applicant/The appellant\* cannot issue a certificate in accordance with paragraph (a) of section 27 of the Act/subparagraph (a) of article 29(4) of the Order\* in respect of the accompanying application/appeal\*.
- I/The applicant/I he appellant\* have/has\* taken all reasonable steps open to me/him/her\* to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of the application/appeal\*, was the owner/(b) of any part of the land to which the application/appeal\* relates, but have/has\* been unable to do so. These steps were as follows:-

(c) .....

- Notice of the application/appeal\*, as attached to this certificate, has been published in the (d) ..

on (e) .....

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

(a) This Certificate is for use both with applications and appeals for planning permission (section 27 of the Act) and for established use certificates (article 29 of the Order). References to either section 27 or article 29 should therefore be deleted as appropriate. One of certificates A, B, C or D (or the certificate in Part 4 to this Schedule in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.

(b) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years; or:

- (1) in the case of a section 27 certificate in respect of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver);
- (2) in the case of an article 29 certificate, a person who is the occupier of any part of the land.

Insert:

(c) description of steps taken

(d) name of local newspaper circulating in the area where the land is situated

(e) date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application or appeal)

**Town and Country Planning Act 1971**

**Town and Country Planning General Development Order 1988**

**CERTIFICATE UNDER ARTICLE 29\*CERTIFICATE UNDER SECTION 27(3)\***



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Agricultural Holdings Certificate(a)**

Whichever is appropriate of the following alternatives must form part of Certificates A, B, C or D. If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- None of the land to which the application/appeal\* relates is, or is part of, an agricultural holding.

or

- \* I have/The applicant has/The appellant has\* given the required notice to every person other than my/him/her\*self who, at the beginning of the period of 21 days ending with the date of the application/appeal\*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal\* relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed .....

\*On behalf of .....

Date .....

\* delete where inappropriate

(a) This Certificate is for use both with applications and appeals for planning permission (section 27 of the Act) and for established use certificates (article 29 of the Order). References to either section 27 or article 29 should therefore be deleted as appropriate. One of certificates A, B, C or D (or the certificate in Part 4 to this Schedule in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate

**PART 2**

**Town and Country Planning Act 1971**

**NOTICE UNDER SECTION 27 OF APPLICATION FOR PLANNING PERMISSION**(to be published in a local newspaper or to be served on an owner\*)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Proposed development at (a).....

I give notice that (b).....

is applying to the (c)..... Council

for planning permission to (d).....

Any owner\* of the land who wishes to make representations about this application should write to the Council at (e).....

within 21 days of the date of service/publication† of this notice.

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

Signed.....

†On behalf of.....

Date.....

† delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Council
- (d) description of the proposed development
- (e) address of Council

### PART 3

#### Town and Country Planning Act 1971

NOTICE UNDER SECTION 27 AND 36 OF APPEAL (to be published in a local newspaper or to be served on an owner\*)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Proposed development at (a).....

**I give notice that (b).....**

having applied to the (c)..... Council

to (d).....

is appealing to the Secretary of State for the Environment/Secretary of State for Wales†

**against the decision of the Council†**

**on the failure of the Council to give notice of a decision†**

Any owner\* of the land who wishes to make representations about this appeal should write to the Secretary, Department of the Environment/Welsh Office† at Tollgate House, Houlton Street, Bristol BS2 9DJ/Planning Division, Cathays Park, Cardiff CF1 3NQ†, within 21 days of the date of service/publication† of this notice.

\* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

Signed.....

†On behalf of.....

Date.....

† delete where inappropriate

- 
- Insert;
- (a) address or location of the proposed development
  - (b) appellant's name
  - (c) name of Council
  - (d) description of the proposed development
  - (e) address of Council

## PART 4

### Town and Country Planning Act 1971

**CERTIFICATE UNDER SECTION 27(1)(cc)(for use with applications and appeals for the winning and working of minerals by underground mining operations)**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

I certify that:

- \*• I have/The applicant has/The appellant has\* given the required notice to the persons specified below being persons who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal, were owners (a) of any part of the land to which the application/appeal\* relates.

Owner's (a) name	Address at which notice was served	Date on which notice was served
------------------	------------------------------------	---------------------------------

- There is no person (other than me/the applicant/the appellant\*) who, at the beginning of the period of 21 days ending with the date of the accompanying application/appeal\* was the owner(a) of any part of the land to which this application/appeal\* relates, whom I/the applicant/the appellant\* knows\* to be such a person and whose name and address is known to me/the applicant/the appellant\* but to whom I have/the applicant/the appellant has\* not given the required notice.
- I have/The applicant/The appellant has\* posted the required notice, sited and displayed in such a way as to be easily visible and legible by members of the public, in at least one place in every parish or community within which there is situated any part of the land to which the accompanying application/appeal\* relates, as listed below.

Parish/Community	Location of Notice	Date posted
------------------	--------------------	-------------

- Save as specified below\* this/these\* notice/s\* was/were\* left in position for not less than 7 days in the period of 21 days immediately preceding the making of the application/appeal\*.
- \*• The following notice(s)\* was/were\*, however, left in position for less than seven days in period of not more than 21 days immediately preceding the making of application.

Parish/Community	Location of Notice	Date posted
------------------	--------------------	-------------

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

This happened because it/they\* was/were\* removed/obscured/defaced\* before seven days had passed during the period of 21 days mentioned above. This was not my/the applicant's/the appellant's\* fault or intent.

If/the applicant/The appellant\* took the following steps to protect and replace the notice: (b)

.....  
.....

- Notice of the application/appeal\*, as attached to this certificate, has been published in the (c)

.....

on (d) .....

**Agricultural Holdings Certificate**

Whichever is appropriate of the following alternatives must form part of this certificate. If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- \* • None of the land to which the application/appeal\* relates is, or is part of, an agricultural holding.

or

- \* • I have/The applicant has/The appellant has\* given the required notice to every person other than my/him/her\* self who, at the beginning of the period 21 days ending with the date of the application/appeal\*, was a tenant of an agricultural holding on all or part of the land to which the application/appeal\* relates, as follows:-

Tenant's name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

Signed.....

\*On behalf of.....

Date.....

\* delete where inappropriate

(a) "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years or a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver)

Insert:

(b) description of steps taken

(c) name of local newspaper circulating in the area where the land is situated

(d) date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application or appeal)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## PART 5

### Town and Country Planning Act 1971

**NOTICE UNDER SECTION 27(2A)**(to be posted in the case of an application for the winning and working of minerals by underground mining operations (in addition to the service or publication of the notices in Part 2 and 3 of this Schedule))

Proposed development at (a).....  
I give notice that (b).....  
is applying to the (c)..... Council  
for planning permission to (d).....

Members of the public may inspect copies of:

- the application
- the plans
- and other documents submitted with it

at (e)..... during  
all reasonable hours until (f).....

Anyone who wishes to make representations about this application should write to the Council at (g)

.....  
..... by (i).....

Signed.....

\*On behalf of.....

Date.....

\* delete where inappropriate

Insert:

- (a) address or location of the proposed development
- (b) applicant's name
- (c) name of Council
- (d) description of the proposed development
- (e) address at which the application may be inspected (the applicant is responsible for making the application available for inspection within the area of the local planning authority)
- (f) date giving a period of not less than 21 days, beginning with the date when the notice is posted
- (g) address of Council

## PART 6

### Town and Country Planning Act 1971

**NOTICE UNDER SECTION 27(2A) AND 36 OF APPEAL**(to be posted in the case of an application for the winning and working of minerals by underground mining operations (in addition to the service or publication of the notices in Part 2 and 3 of this Schedule))

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Proposed development at (a).....  
I give notice that (b).....  
having applied to the (c)..... Council  
to (d).....  
is appealing to the Secretary of State for the Environment/Secretary of State for Wales\*  
against the decision of the Council\*  
on the failure of the Council to give notice of a decision\*

Members of the public may inspect copies of

- the application
- the plans
- and other documents submitted with it

at (e).....  
during all reasonable hours until (f).....

Anyone who wishes to make representations about this appeal should write to the Secretary, Department of the Environment/Welsh Office\* at Tollgate House, Houlton Street, Bristol BS2 9DJ/Planning Division, Cathays Park, Cardiff CF1 3NQ\*.

by (f).....

Signed.....

\*On behalf of.....

Date.....

\* delete where inappropriate

Insert:

(a) address or location of the proposed development

(b) applicant's name

(c) name of Council

(d) description of the proposed development

(e) address of Council

(f) date giving a period of not less than 21 days, beginning with the date when the notice is posted

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 6

PART 1

Town and Country Planning Act 1971

Town and Country Planning General Development Order 1988

NOTICE UNDER ARTICLE 29 OF AN APPLICATION FOR AN ESTABLISHED USE CERTIFICATE(to be published in a local newspaper or to be served on an owner\*)

I give notice that (a).....  
 is applying to the (b)..... Council  
 for an established use certificate relating to the use of land at (c).....  
 .....  
 for the purpose of (d).....  
 Any owner† of the land who wishes to make representations about this application  
 should write to the Council at (e).....  
 .....  
 within 21 days of the date of service/publication\* of this notice.

† "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years and any other person who is the occupier of any part of the land

Signed.....  
 \*On behalf of.....  
 Dated.....

\* delete where inappropriate

- 
- Insert:  
 (a) applicant's name  
 (b) name of Council  
 (c) address or location of the land  
 (d) use claimed to be established  
 (e) address of Council

PART 2

Town and Country Planning Act 1971

NOTICE OF AN APPEAL AGAINST THE REFUSAL OF AN ESTABLISHED USE CERTIFICATE(to be published in a local newspaper or to be served on an owner\*)



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

I give notice that (a).....  
 .....  
 having applied to the (b)..... Council  
 for an established use certificate relating to the use of (c).....  
 .....  
 for the purpose of (d).....  
 is appealing to the Secretary of State for the Environment/Wales\*  
 against the decision of the Council\*  
 on the failure of the Council to give notice of a decision\*

Any owner† of the land, or of a part of it, who wishes to make representations about this application should write to the Secretary, Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ/Welsh Office at Planning Division, Cathays Park, Cardiff CF1 3NQ\*, within 21 days of the date of service/publication\* of this notice.

† "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years and any other person who is the occupier of any part of the land

Signed.....

\*On behalf of.....

Date.....

\* delete where inappropriate

Insert:

- (a) appellant's name
- (b) name of Council
- (c) address or location of the land
- (d) use claimed to be established

### PART 3

Town and Country Planning Act 1971

#### ESTABLISHED USE CERTIFICATE

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- The (a) ..... Council  
 certify that on (b) ..... the use of the  
 land at (c) .....  
 .....  
 as/for\* (d) .....  
 was established within the meaning of paragraph (a)/(b)/(c)\* of section 94(1) of the Town and  
 Country Planning Act 1971.
- This land is edged/hatched/coloured\* (e) ..... on  
 the plan attached to this certificate.

Signed.....  
 On behalf of.....  
 Date.....

**Note:**

- This certificate is issued solely for the purposes of section 94 of the Town and Country  
 Planning Act 1971.
- It certifies that if the land is used for the purpose named, then it is not liable to enforcement  
 action under section 87 of the Act.
- However, this certificate is not a grant of planning permission, nor does it necessarily entitle  
 the owner or occupier of the land to any consequential statutory rights which may be  
 conferred if planning permission is granted, under Part III of the Act, for use of the land.

\* delete where inappropriate

**Insert:**

- (a) name of Council
- (b) date of application for established use certificate
- (c) address or location of the land
- (d) description of use
- (e) colour

**SCHEDULE 7**

**STATUTORY INSTRUMENTS REVOKED**

Title of instrument (and extent of revocation where the whole is not revoked)	Reference
The Town and Country Planning General Development Order 1977	S.I.1977/289
The Town and Country Planning General Development (Amendment) Order 1980	S.I. 1980/1946

Title of instrument (and extent of revocation where the whole is not revoked)	Reference
The Town and Country Planning General Development (Amendment) Order 1981	S.I. <a href="#">1981/245</a>
The Town and Country Planning General Development (Amendment) (No. 2) Order 1981	S.I. <a href="#">1981/1569</a>
The Town and Country Planning General Development (Amendment) Order 1983	S.I. <a href="#">1983/1615</a>
The Town and Country Planning General Development (Amendment) Order 1985	S.I. <a href="#">1985/1011</a>
The Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas etc.) Special Development Order 1985	S.I. <a href="#">1985/1012</a>
The Town and Country Planning General Development (Amendment) (No. 2) Order 1985	S.I. <a href="#">1985/1981</a>
The Town and Country Planning (National Parks, Areas of Outstanding Natural Beauty and Conservation Areas etc.) Special Development (Amendment) Order 1986	S.I. <a href="#">1986/8</a>
Article 2 of the Town and Country Planning (Local Government Reorganisation) (Miscellaneous Amendments) Order 1986	S.I. <a href="#">1986/435</a>
The Town and Country Planning (Agriculture and Forestry Development in National Parks etc.) Special Development Order 1986	S.I. <a href="#">1986/1176</a>
The Town and Country Planning General Development (Amendment) Order 1987	S.I. <a href="#">1987/702</a>
The Town and Country Planning General Development (Amendment) (No. 2) Order 1987	S.I. <a href="#">1987/765</a>
The Town and Country Planning General Development (Amendment) Order 1988	S.I. <a href="#">1988/1272</a>

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order consolidates with amendments the Town and Country Planning General Development Order 1977 and subsequent amending instruments, except the provisions relating to planning applications which are reproduced in the Town and Country Planning (Applications) Regulations 1988 (S.I. 1988/1812). The consolidation also incorporates the provision previously made by the special development orders listed in Schedule 7.

The main purpose of the order is to permit certain forms of development without express planning permission under the Town and Country Planning Act 1971 (Schedule 2). In some circumstances, the permission given is subject to extensive qualifications and restrictions. The order also deals with the other procedures connected with planning applications, with the maintenance of registers of planning applications; applications for established use certificates; and related matters.

The main changes made by the order are—

- (a) a replacement of the power for a local highway authority to direct that certain planning applications be referred to them (or to impose conditions on a grant of planning permission) by a requirement for the highway authority to be consulted about such applications (article 18, paragraphs (1)(g) and (h));
- (b) a revision of the criteria on which consultation is normally required with the Minister of Agriculture, Fisheries and Food (or the Secretary of State for Wales) about development proposals involving the loss of agricultural land (article 18, paragraph (1)(v));
- (c) the inclusion of specified information about simplified planning zones in the planning register (article 27(6));
- (d) the exclusion from permitted development rights of some loft extensions (Schedule 2, Part 1);
- (e) additions to the categories of change of use which constitute permitted development (Schedule 2, Part 3);
- (f) the exclusion from permitted development rights of livestock units within 400 metres of non-agricultural buildings (Schedule 2, Part 4);
- (g) the revision of the permitted development rights relating to minerals.