
 STATUTORY INSTRUMENTS

1981 No. 245

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**
**The Town and Country Planning General Development
(Amendment) Order 1981**

<i>Made - - - -</i>	19th February 1981
<i>Laid before Parliament</i>	27th February 1981
<i>Coming into Operation</i>	1st April 1981

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24 and 287 of the Town and Country Planning Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1.—(1) This order may be cited as the Town and Country Planning General Development (Amendment) Order 1981, and the Town and Country Planning General Development Orders 1977 and 1980(b) and this order may be cited together as the Town and Country Planning General Development Orders 1977 to 1981.

(2) This order shall come into operation on 1st April 1981.

2. The Town and Country Planning General Development Order 1977 is hereby amended as follows:—

(a) In article 2—

(i) in paragraph (1), the following definitions shall be added:—
“terrace house” means a dwellinghouse—

(i) situated in a row of three or more buildings used, or designed for use, as single dwellinghouses; and

(ii) sharing a party wall with, or having a main wall adjoining the main wall of, the dwellinghouse (or building designed for use as a dwellinghouse) on either side of it,

but includes the dwellinghouses at each end of such a row of buildings as is referred to;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1972(c); and

(ii) the following paragraphs shall be added after paragraph (1):—

“(1A) Any reference in this order to the height of a building shall be construed as a reference to the height of that building when measured from ground level.

(a) 1971 c. 78. (b) S.I. 1977/289; S.I. 1980/1946. (c) S.I. 1972/1385.

(1B) For the purposes of paragraph (1A) of this article, "ground level" means the level of the surface of the ground immediately adjacent to the building in question or, where the level of the surface of the ground on which the building is erected or is to be erected, as the case may be, is not uniform, the level of the highest part of the surface of the ground adjacent to the building.";

(b) In Schedule 1—

(i) for class I.1 there shall be substituted the following class:—

"1. The enlargement, improvement or other alteration of a dwellinghouse so long as:

(a) the cubic content of the original dwellinghouse (as ascertained by external measurement) is not exceeded by more than—

(i) in the case of a terrace house, 50 cubic metres or ten per cent, whichever is the greater; or

(ii) in any other case, 70 cubic metres or fifteen per cent, whichever is the greater,

subject (in either case) to a maximum of 115 cubic metres;

(b) the height of the building as so enlarged, improved or altered does not exceed the height of the highest part of the roof of the original dwellinghouse;

(c) no part of the building as so enlarged, improved or altered projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;

(d) no part of the building (as so enlarged, improved or altered) which lies within a distance of two metres from any boundary of the curtilage of the dwellinghouse has, as a result of the development, a height exceeding four metres;

(e) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed fifty per cent of the total area of the curtilage excluding the ground area of the original dwellinghouse:

Provided that:—

(a) the erection of a garage or coachhouse within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including the calculation of cubic content) if any part of that building lies within a distance of five metres from any part of the dwellinghouse;

(b) the erection of a stable or loose-box anywhere within the curtilage of the dwellinghouse shall be treated as the enlargement of the dwellinghouse for all purposes of this permission (including the calculation of cubic content);

(c) for the purposes of this permission the extent to which the cubic content of the original dwellinghouse is exceeded shall be ascertained by deducting the amount of the cubic content of the original dwellinghouse from the amount of the cubic content of the dwellinghouse as enlarged, improved or altered (whether such enlargement, improvement or alteration was carried out in pursuance of this permission or otherwise);

- (d) where any part of the dwellinghouse will, as a result of the development, lie within a distance of five metres from an existing garage or coachhouse, that building shall (for the purpose of the calculation of cubic content) be treated as forming part of the dwellinghouse as enlarged, improved or altered; and
- (e) the limitation contained in subparagraph (d) above shall not apply to development consisting of:—
- (i) the insertion of a window (including a dormer window) into a wall or the roof of the original dwellinghouse, or the alteration or enlargement of an existing window; or
 - (ii) any other alterations to any part of the roof of the original dwellinghouse.”;
- (ii) for class I.3 there shall be substituted the following class:—
- “3. The erection, construction or placing, and the maintenance, improvement or other alteration, within the curtilage of a dwellinghouse, of any building or enclosure (other than a dwelling, stable or loose-box) required for a purpose incidental to the enjoyment of the dwellinghouse as such, including the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse, so long as:
- (a) no part of such building or enclosure projects beyond the forwardmost part of any wall of the original dwellinghouse which fronts on a highway;
 - (b) in the case of a garage or coachhouse, no part of the building is within a distance of five metres from any part of the dwellinghouse;
 - (c) the height does not exceed, in the case of a building with a ridged roof, four metres or, in any other case, three metres;
 - (d) the area of ground covered by buildings within the curtilage (other than the original dwellinghouse) does not thereby exceed fifty per cent of the total area of the curtilage excluding the ground area of the original dwellinghouse.”;
- (iii) for class III there shall be substituted the following class:—
- “*Class III—Changes of use*
Development consisting of a change of use:—
- (a) to use as a light industrial building as defined by the Use Classes Order from use as a general industrial building as so defined;
 - (b) to use as a light industrial building as defined by the Use Classes Order from use for any purpose included in class X referred to in the Schedule to the Use Classes Order;
 - (c) to use for any purpose included in class X referred to in the Schedule to the Use Classes Order from use as a light industrial building or from use as a general industrial building (as defined respectively by the Use Classes Order);
 - (d) to use as a shop for any purpose included in class I referred to in the Schedule to the Use Classes Order from use as:—
 - (i) a shop for the sale of hot food;
 - (ii) a tripe shop;
 - (iii) a shop for the sale of pet animals or birds;
 - (iv) a cats’ meat shop; or
 - (v) a shop for the sale of motor vehicles:
- Provided that paragraphs (b) and (c) above apply only where the

total amount of floor space in the building used for the purposes of the undertaking does not exceed 235 square metres.”;

(iv) for class VIII.1 there shall be substituted the following class:—

“1. Development of the following descriptions, carried out by an industrial undertaker on land used (otherwise than (i) in contravention of previous planning control or (ii) without planning permission granted or deemed to be granted under Part III of the Act) for the carrying out of any industrial process, and for the purposes of such process, or on land used (otherwise than as aforesaid) as a dock, harbour or quay for the purposes of an industrial undertaking:—

- (i) the provision, rearrangement or replacement of private ways or private railways, sidings or conveyors;
- (ii) the provision or rearrangement of sewers, mains, pipes, cables or other apparatus;
- (iii) the installation or erection, by way of addition or replacement, of plant or machinery, or structures or erections of the nature of plant or machinery, not exceeding 15 metres in height or the height of the plant, machinery, structure or erection so replaced, whichever is the greater;
- (iv) the extension or alteration of buildings (whether erected before or after 1st July 1948), so long as the height of the original building is not exceeded and the cubic content of the original building (as ascertained by external measurement) is not exceeded by more than twenty per cent nor the aggregate floor space thereof by more than 750 square metres,

so long as:—

- (a) in the case of operations carried out under subparagraph (iii) or (iv), the external appearance of the premises of the undertaking is not materially affected;
- (b) in the case of operations carried out under subparagraph (iv), no part of the building is, as a result of the development, within a distance of five metres from any boundary of the curtilage of the premises; and
- (c) in the case of operations carried out under subparagraph (iv), no certificate would be required under section 67 of the Act if an application for planning permission for the development in question were made:

Provided that the erection on land within the curtilage of any such building of an additional building to be used in connection with the original building shall be treated as an extension of the original building, and where any two or more original buildings comprised in the same curtilage are used as one unit for the purposes of the undertaking, the reference in this permission to the cubic content shall be construed as a reference to the aggregate cubic content of those buildings, and the reference to the aggregate floor space as a reference to the total floor space of those buildings.”.

19th February 1981.

Michael R. D. Heseltine,
Secretary of State for the Environment.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Town and Country Planning General Development Order 1977, which is the general order made under section 24 of the Town and Country Planning Act 1971 providing for the grant of permission for the development of land under Part III of that Act.

The following amendments are made to the provisions of article 2 of the order and to Schedule 1 to the order, which sets out the classes of development for which planning permission is granted by the order:—

- (a) article 2 (which makes provision for the interpretation of the order) is amended by the addition of definitions of “terrace house” and “the Use Classes Order”, and by the addition of provisions relating to the measurement of the height of a building for the purposes of the order;
- (b) in Class I.1 set out in Schedule 1 (enlargement, improvement or other alteration of a dwellinghouse), the limits imposed on the amount of any increase in the size of the original dwellinghouse are changed (for all houses other than terrace houses) from 50 cubic metres or one-tenth of the cubic content of the original dwellinghouse (whichever is the greater) to 70 cubic metres or 15 per cent; but the overall maximum of 115 cubic metres remains the same: for terrace houses the limits are unchanged;
- (c) new limitations are added to Class I.1 which restrict the area of ground within the curtilage which may be covered by buildings to one-half of the curtilage, excluding the ground area of the original dwellinghouse, and impose a height limit of four metres on extensions to the dwellinghouse which are within 2 metres of the perimeter of the premises (this limitation does not apply however to the insertion of windows, the alteration of existing windows or alterations to the roof of the original dwellinghouse); and a provision is added specifying the method of calculating increases in the cubic content of the original dwellinghouse and making it clear that all enlargements, whether or not carried out under the Class, count towards the limit on cubic content;
- (d) Class I.1 and Class I.3 (erection of buildings and enclosures within the curtilage of a dwellinghouse) are amended in relation to the erection of a garage or coachhouse: where such a building is erected within 5 metres of the dwellinghouse it will come within Class I.1 (and will be taken into account for the purpose of calculating the cubic content of the dwellinghouse), but otherwise it will come within Class I.3 and will be subject only to the limitations set out in that Class;
- (e) Class III (changes of use) is amended by the addition of permission for changes of use from use as a light industrial building or general industrial building (within Class III or Class IV of the Town and Country Planning (Use Classes) Order 1972) to use as a wholesale warehouse or repository (within Class X of the same Order) and from use as a wholesale warehouse or repository to use as a light industrial building, subject in all cases to the limitation that the amount of floorspace in the premises which is used for the purposes of the undertaking does not exceed 235 square metres; and
- (f) the provisions of Class VIII.1 (development for industrial purposes) relating to the extension or alteration of industrial buildings are amended by the raising of the limit on the permitted increase in the cubic content of the original building from one-tenth to 20 per cent, and the limit on the permitted increase in the aggregate floor space from 500 square metres to 750 square metres; but an additional limitation has been imposed on this permission to exclude any alteration or extension of a building within 5 metres of the perimeter of the premises.

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