

1989 No. 603

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

**The Town and Country Planning General Development
(Amendment) Order 1989**

Made - - - - - *4th April 1989*

Laid before Parliament *10th April 1989*

Coming into force - *1st May 1989*

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 and 287(3) of the Town and Country Planning Act 1971(a) and all other powers enabling them in that behalf, hereby make the following Order—

1. This Order may be cited as the Town and Country Planning General Development (Amendment) Order 1989 and shall come into force on 1st May 1989.

2. The Town and Country Planning General Development Order 1988(b) is hereby amended as follows—

(1) For article 1(4) (interpretation) there shall be substituted the following paragraph—

“(4) References to land used for a specified purpose do not include references to land which is being used in contravention of Part III of the Act or in contravention of previous planning control”.

(2) In article 1(6) after the words “National Parks and adjoining land” there shall be inserted “and the Broads”.

(3) In Schedule 1 Part 1 (National Parks, areas of outstanding natural beauty and conservation areas etc), there shall be inserted at the end—
“(e) the Broads.”

(4) In Schedule 1 Part 2 (National Parks and adjoining land etc) in paragraph (a) after the words “In England,” there shall be inserted the words “the Broads or”.

(5) In Schedule 2 Part 1 (development within the curtilage of a dwellinghouse)—

(a) for paragraphs A.1(b) to (d) in Class A there shall be substituted the following paragraphs—

“(b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwelling;

(a) 1971 c.78; there are amendments to section 24 not relevant to this Order.
(b) S.I. 1988/1813.

- (c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—
 - (i) the part of the original dwellinghouse nearest to that highway; or
 - (ii) 20 metres
 whichever is the nearest to the highway;
 - (d) the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;”;
 - (b) in paragraph A.3(a)(ii) for the word “is” there shall be substituted the words “would be”;
 - (c) in paragraph B.1(d)(ii) after the words “more than 70” there shall be inserted the word “cubic”;
 - (d) in paragraphs E, E.2 and F after the words “purpose incidental to the enjoyment of the dwellinghouse” there shall be inserted the words “as such”.
- (6) In Schedule 2 Part 4 (temporary buildings and uses) in paragraph B.2 paragraph (c) (clay pigeon shooting) shall be deleted.
- (7) In Schedule 2 Part 6 (agricultural buildings and operations) in paragraph A.2(2) after the words “In the case of article 1(6) land, development consisting of the erection, extension or alteration of a building” there shall be inserted the words “or the formation or alteration of a private way” and after the words “siting, design and external appearance of the building” in paragraph A.2(2)(b) there shall be inserted the words “and the siting and means of construction of the private way”.
- (8) In Schedule 2 Part 23 (removal of material from mineral-working deposits) for paragraph C.1(b) there shall be substituted the following paragraph—
- “(b) the deposit covers a ground area exceeding 2 hectares, unless the deposit contains no mineral or other material which was deposited on the land more than 5 years before the development; or”.
- (9) In Schedule 5 Part 1 (certificates under section 27 of the Act etc) in Certificate D for the words “at the beginning of the period of 21 days beginning with the date of the application/appeal*” there shall be substituted the words “at the beginning of the period of 21 days ending with the date of the application/appeal*”.
- (10) In Schedule 5 Part 2 (notice under section 27 of the Act) and Part 3 (notice of appeal under sections 27 and 36 of the Act)—
- (a) after the words “(to be published in a local newspaper or to be served on an owner*” there shall be inserted the words “or agricultural tenant‡”;
 - (b) after the words “Any owner*” there shall be inserted the words “/agricultural tenant‡”;
 - (c) after the definition of “owner” the following definition shall be inserted—
‡“agricultural tenant” means a tenant of an agricultural holding.

3. The Town and Country Planning General Development (Amendment) Order 1988(a) is hereby revoked.

3rd April 1989

Nicholas Ridley
Secretary of State for the Environment

Signed by authority of the Secretary of State

4th April 1989

Ian Grist
Parliamentary Under-Secretary of State,
Welsh Office

(a) S.I. 1988/2091.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes various minor amendments to the Town and Country Planning General Development Order 1988 (the 1988 Order). It supersedes the Town and Country Planning General Development (Amendment) Order 1988, which is consequently repealed.

This Order introduces into Schedule 1 to the 1988 Order references to the Broads, as defined in section 290 of the Town and Country Planning Act 1971. The definition was inserted by the Norfolk and Suffolk Broads Act 1988 (c.4).

The Order also makes minor changes to the interpretation provisions of the 1988 Order and to the categories of permitted development in Schedule 2 to the 1988 Order, including in particular—

- (a) the widening of the circumstances in which minor extensions of residential buildings are permitted (article 2(5));
- (b) the extension of permitted development rights for clay pigeon shooting from 14 to 28 days a year, (article 2(6));
- (c) changes to the classes relating to agricultural development in Schedule 2, Part 6 to the 1988 Order and mineral tipping (Schedule 2, Part 23 to the 1988 Order) (articles 2(7) and (8)).

Minor changes are also made to the prescribed forms in Schedule 5 to the 1988 Order.