
STATUTORY INSTRUMENTS

1991 No. 1536

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

**The Town and Country Planning General
Development (Amendment) Order 1991**

<i>Made</i>	- - - -	<i>5th July 1991</i>
<i>Laid before Parliament</i>		<i>10th July 1991</i>
<i>Coming into force</i>	- -	<i>31st July 1991</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 59, 60(1), 61(1) and 333(7) of the Town and Country Planning Act 1990(1) and 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 (Amendment) Order 1991 and shall come into force on 31st July 1991.

(2) In this Order “the 1988 Order” means the Town and Country Planning General Development Order 1988(2).

Article 1(7) land

2. After article 1(6) of the 1988 Order insert—

“(7) The land referred to elsewhere in this Order as article 1(7) land is the land described in Part 3 of Schedule 1 to this Order (land in listed counties).”

Amendment of Schedule 1 to the 1988 Order

3. In Schedule 1 to the 1988 Order—

(a) in Part 1 (article 1(5) land), for paragraph (c) substitute—

(1) 1990 c. 8.
(2) S.I.1988/1813; a relevant amending instrument is S.I. 1989/603.

- (c) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990(3);”;
- (b) after Part 2 insert–

“PART 3

ARTICLE 1(7) LAND

Land within the following counties–

Cleveland, Cornwall, Cumbria, Devon, Durham, Dyfed, Greater Manchester, Gwynedd, Humberside, Lancashire, Merseyside, Northumberland, North Yorkshire, South Yorkshire, Tyne and Wear, West Glamorgan, West Yorkshire.”

Satellite antennae on or within the curtilage of a dwelling house

4. In Class H of Part 1 of Schedule 2 to the 1988 Order (satellite antennae on or within the curtilage of a dwellinghouse)–

- (a) for paragraph H.1 substitute–

“**H.1** Development is not permitted by Class H if–

- (a) the size of the antenna (excluding any projecting feed element, reinforcing rim, mountings and brackets) when measured in any dimension would exceed–
 - (i) 45 centimetres in the case of an antenna to be installed on a chimney;
 - (ii) 90 centimetres in the case of an antenna to be installed on or within the curtilage of a dwellinghouse on article 1(7) land other than on a chimney;
 - (iii) 70 centimetres in any other case;
 - (b) the highest part of an antenna to be installed on a roof or a chimney would, when installed, exceed in height–
 - (i) in the case of an antenna to be installed on a roof, the highest part of the roof;
 - (ii) in the case of an antenna to be installed on a chimney, the highest part of the chimney;
 - (c) there is any other satellite antenna on the dwellinghouse or within its curtilage;
 - (d) in the case of article 1(5) land, it would consist of the installation of an antenna–
 - (i) on a chimney;
 - (ii) on a building which exceeds 15 metres in height;
 - (iii) on a wall or roof slope which fronts a waterway in the Broads or a highway elsewhere.”;
- (b) at the end of Class H insert–

“**Conditions**

H.2 Development is permitted by Class H subject to the following conditions–

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building;

- (b) an antenna no longer needed for the reception or transmission of microwave radio energy shall be removed as soon as reasonably practicable.”

Industrial and warehouse development

5. In Part 8 of Schedule 2 to the 1988 Order (industrial and warehouse development)–

- (a) for paragraph A.1(b) substitute–

“(b) the building is to be used for a purpose other than–

- (i) in the case of an industrial building, the carrying out of an industrial process or the provision of employee facilities;
- (ii) in the case of a warehouse, storage or distribution or the provision of employee facilities;”;

- (b) after paragraph A.1 insert–

“Conditions

A.1A Development is permitted by Class A subject to the conditions that any building extended or altered–

- (a) shall only be used–

- (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking or the provision of employee facilities;
- (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities;

- (b) shall not be used to provide employee facilities between 7.00 pm and 6.30 am for employees other than those present at the premises of the undertaking for the purpose of their employment;

- (c) shall not be used to provide employee facilities if a notifiable quantity of a hazardous substance is present at the premises of the undertaking;”;

- (c) after paragraph A.2(1)(b) insert–

“(c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including creche facilities provided for the children of such employees.”

Development by statutory undertakers

6. In Part 17 of Schedule 2 to the 1988 Order (development by statutory undertakers) in Class B at the end of paragraph B2 insert–

“and the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964(4) whether or not the order was brought into operation in accordance with the provisions of the Statutory Orders (Special Procedure) Act 1945(5).”

(4) 1964. c.40; section 14 was amended by para. 2, and sections 14 and 16 by paras. 3 and 4(1) and (8), of Schedule 6 to the Transport Act 1981 (c. 56).

(5) 1945 c. 18 (9 and 10 Geo. 6).

Development by telecommunications code system operators

7. After paragraph A.1.(g) of Part 24 of Schedule 2 to the 1988 Order (development by telecommunications code system operators) insert—

- “(h) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989(6).”.

Telecommunications development

8. In Part 25 of Schedule 2 to the 1988 Order (telecommunications development)—

- (a) in paragraph A after “structure” where it first occurs insert “of a height of 15 metres or more”;
- (b) in paragraph A.1.(a) after “dwellinghouse” insert “or the building or other structure is within the curtilage of a dwellinghouse”;
- (c) for paragraph A.1.(b) substitute—“(b) it would consist of development of a kind described in paragraph A of Part 24.”;
- (d) omit paragraph A.1.(c);
- (e) after paragraph A.1.(g) insert—
 - “(h) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989.”;
- (f) after paragraph A.2. insert—

“Class B

Permitted Development

B. The installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a satellite antenna.

Development not permitted

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

- (a) the building is a dwellinghouse or the building or other structure is within the curtilage of a dwellinghouse;
- (b) it would consist of development of a kind described in paragraph A of Part 24;
- (c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989;
- (d) the size of the antenna (excluding any projecting feed element, reinforcing rim, mountings or brackets) when measured in any dimension would exceed—
 - (i) 90 centimetres in the case of an antenna to be installed on a building or structure on article 1(7) land;
 - (ii) 70 centimetres in any other case;

- (e) the highest part of an antenna to be installed on a roof would, when installed, exceed in height the highest part of the roof;
- (f) there is any other satellite antenna on the building or other structure on which the antenna is to be installed;
- (g) it would consist of the installation of an antenna on a chimney;
- (h) it would consist of the installation of an antenna on a wall or roof slope which fronts a waterway in the Broads, or a highway elsewhere.

Condition

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

- (a) the antenna shall, so far as 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.”

Driver information systems

9. After Part 28 of Schedule 2 to the 1988 Order insert–

“PART 29

DRIVER INFORMATION SYSTEMS

Class A

Permitted development

A. The installation, alteration or replacement of system apparatus by or on behalf of a driver information system operator.

Development not permitted

A.1 Development is not permitted by Class A if–

- (a) in the case of the installation, alteration or replacement of system apparatus other than on a building or other structure–
 - (i) the ground or base area of the system apparatus would exceed 1.5 square metres;
 - (ii) the system apparatus would exceed a height of 15 metres above ground level;
- (b) in the case of the installation, alteration or replacement of system apparatus on a building or other structure–
 - (i) the highest part of the apparatus when installed, altered, or replaced would exceed in height the highest part of the building or structure by more than 3 metres; or
 - (ii) the development would result in the presence on the building or structure of more than two microwave antennae.

Conditions

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

- (a) any system apparatus shall, so far as practicable, be sited so as to minimise its effect on the external appearance of any building or other structure on which it is installed;
- (b) any system apparatus which is no longer needed for a driver information system shall be removed as soon as reasonably practicable.

Interpretation

A.3 For the purposes of this class—

“driver information system operator” means a person granted an operator’s licence under section 10 of the Road Traffic (Driver Licensing and Information Systems) Act 1989;

“system apparatus” has the meaning assigned to that term by section 8(6) of that Act.”

Statements of rights

10. In the forms in Parts 2 and 3 of Schedule 5 to the 1988 Order, above “delete where inappropriate” insert—

“Statement of owner’s rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.”

5th July 1991

Michael Heseltine
Secretary of State for the Environment

5th July 1991

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning General Development Order 1988. The main changes are—

(1) the amendment of the permitted development rights relating to the installation, alteration and replacement of satellite antennae contained in Parts 1 and 25 of Schedule 2 to the 1988 Order (articles 2, 3(b), 4 and 8);

(2) the amendment of the permitted development rights relating to industrial and warehouse development in Part 8 of that Schedule to enable extended and altered buildings to be used for the provision of social, care and recreational facilities for employees, including cre`che facilities for their children (article 5);

(3) the introduction into that Schedule of permitted development rights relating to the installation, alteration or replacement of apparatus for driver information systems (systems providing drivers of motor vehicles with guidance and information derived from automatically processed data or for collecting, storing and processing such data) (articles 7, 8(e), 8(f) (part) and 9);

(4) the introduction of a statement of owners' rights and agricultural tenants' rights into the prescribed notices set out in Parts 2 and 3 of Schedule 5 to the 1988 Order (article 10).

Minor changes are made to the definition of article 1(5) land (national parks, areas of outstanding beauty and conservation areas etc) in Part 1 of Schedule 1 to the 1988 Order (article 3(a)) and to the interpretation of the permitted development right provisions in Part 17, Class B of Schedule 2 to that Order concerning dock, pier, harbour, water transport and canal or inland navigation undertakings (article 6).