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STATUTORY INSTRUMENTS

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**1991 No. 2268**

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

**The Town and Country Planning General  
Development (Amendment) (No. 2) Order 1991**

<i>Made</i>	- - - -	<i>10th October 1991</i>
<i>Laid before Parliament</i>		<i>14th October 1991</i>
<i>Coming into force</i>	- -	<i>2nd January 1992</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) and (2), 61(1) and 333(7) of the Town and Country Planning Act 1990<sup>(1)</sup> 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) (No. 2) Order 1991 and shall come into force on 2nd January 1992.

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

**Agricultural buildings and operations**

2. In Class A of Part 6 of Schedule 2 to the 1988 Order (agricultural buildings and operations)—

(a) for paragraph A.2(2) substitute—

“(2) Development consisting of the erection of a building or the significant extension or significant alteration of a building or the formation or alteration of a private way is permitted by Class A subject to the following conditions—

(a) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the

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

building or, as the case may be, the siting and means of construction of the private way;

- (b) the application shall be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;
- (c) the development shall not be begun before the occurrence of one of the following—
  - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
  - (ii) where the local planning authority gives the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval;
  - (iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
- (d) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—
  - (i) where prior approval is required, in accordance with the details approved;
  - (ii) where prior approval is not required, in accordance with the details submitted with the application;
- (e) 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 (b).

(3) In the case of development consisting of the significant extension or the significant alteration of a building, such development may be carried out only once.”;

- (b) at the end of paragraph A.3(2) (interpretation of Class A) insert—

““significant extension” and “significant alteration” mean any extension or alteration of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building.”.

### **Forestry buildings and operations**

- 3. In Class A of Part 7 of Schedule 2 to the 1988 Order (forestry building and operations)—
  - (a) for paragraph A.2 substitute—

“**A.2.**—(1) Development consisting of the erection of a building or the significant extension or significant alteration of a building or the formation or alteration of a private way is permitted by Class A subject to the following conditions—

- (a) the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building or, as the case may be, the siting and means of construction of the private way;

- (b) the application shall be accompanied by a written description of the proposed development, the materials to be used and a plan indicating the site together with any fee required to be paid;
  - (c) the development shall not be begun before the occurrence of one of the following—
    - (i) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
    - (ii) where the local planning authority gives the applicant notice within 28 days following the date of receiving his application of their determination that such prior approval is required, the giving of such approval;
    - (iii) the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;
  - (d) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—
    - (i) where prior approval is required, in accordance with the details approved;
    - (ii) where prior approval is not required, in accordance with the details submitted with the application;
  - (e) 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 case, within a period of five years from the date on which the local planning authority were given the information referred to in subparagraph (b).
- (2) In the case of development consisting of the significant extension or the significant alteration of the building such development may be carried out only once.”;
- (b) at the end of Class A insert—

**“Interpretation**

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

“significant extension” and “significant alteration” mean any extension or alteration of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building.”.

10th October 1991

*Michael Heseltine*  
Secretary of State for the Environment

10th October 1991

*David Hunt*  
Secretary of State for Wales

**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 amends the Town and Country Planning General Development Order 1988. The conditions as to siting, design and external appearance attached to permitted development rights relating to agricultural and forestry buildings and operations contained in Parts 6 and 7 of Schedule 2 to the 1988 Order are amended as follows—

- (a) the Order introduces a requirement for the developer to apply for a determination as to whether the prior approval of the local planning authority is required to the siting, design and external appearance of a building and the siting and means of construction of a private way before development commences;
- (b) this requirement applies in the case of the erection or significant extension or alteration of a building, and the formation or alteration of a private way;
- (c) the conditions are no longer limited to article 1(6) land (National Parks, adjoining land and the Broads).

Where the development consists of the significant extension or alteration of a building, the rights may be exercised only once.