

2014 No. 564

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (General Permitted
Development) (Amendment and Consequential Provisions)
(England) Order 2014**

<i>Made</i>	- - - -	<i>10th March 2014</i>
<i>Laid before Parliament</i>		<i>13th March 2014</i>
<i>Coming into force</i>	- -	<i>6th April 2014</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order:

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 and comes into force on 6th April 2014.

(2) This Order applies in relation to England only.

(3) In this Order “the General Permitted Development Order” means the Town and Country Planning (General Permitted Development) Order 1995(b).

Amendment of the definition of dwellinghouse

2. In article 1(2) of the General Permitted Development Order, in the definition of dwellinghouse, before “does not include” insert “, except in Part 3 of Schedule 2 to this Order (changes of use),”.

Amendments in relation to development within the curtilage of a dwellinghouse

3.—(1) Part 1 of Schedule 2 to the General Permitted Development Order (development within the curtilage of a dwellinghouse) is amended as follows.

(2) In Class A—

(a) before paragraph A.1(a) insert—

(a) 1990 c. 8. Section 60 was amended by section 4 of the Growth and Infrastructure Act 2013 (c. 27), and there are other amendments not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(b) S.I. 1995/418. Relevant amendments were made by S.I. 1997/366, 2006/1282, 2008/2362, 2010/654, 2012/748, 2012/2257 and 2013/1101.

- “(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);” and
- (b) in paragraph A.4—
- (i) after paragraph (2) insert—
- “(2A) The local planning authority may refuse an application where, in the opinion of the authority—
- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,
- the conditions, limitations or restrictions applicable to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea).
- (2B) Paragraphs (3) to (5) and (7) shall not apply where a local planning authority refuses an application under paragraph (2A).”;
- (ii) for paragraph (6) substitute—
- “(6) The local planning authority may require the developer to submit such further information regarding the proposed development as the authority may reasonably require in order to determine the application.”; and
- (iii) after paragraph (9) insert—
- “(9A) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the impact of the proposed development on the amenity of any adjoining premises.”.
- (3) In Class B—
- (a) before paragraph B.1(a) insert—
- “(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);”.
- (b) for paragraph B.2(b) substitute—
- “(b) the enlargement shall be constructed so that—
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension —
- (aa) the eaves of the original roof are maintained or reinstated; and
- (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse;”;
- (c) after paragraph B.3 add—
- “**B.4** For the purposes of paragraph B.2(b)(ii), roof tiles, guttering, fascias, barge boards and other minor roof details overhanging the external wall of the original dwellinghouse are not to be considered part of the enlargement.”.
- (4) In Class C, before paragraph C.1(a) insert—
- “(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);”.
- (5) In Class D, before paragraph D.1(a) insert—
- “(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);”.
- (6) In Class E, before paragraph E.1(a) insert—

“(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);”.

(7) In Class F, after paragraph F insert—

“Development not permitted

F.A1 Development is not permitted by Class F where permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use).”.

(8) In Class G, before paragraph G.1(a) insert—

“(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);”.

(9) In Class H, before paragraph H.1(a) insert—

“(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);”.

Amendments in relation to minor operations

4. In Part 2 of Schedule 2 to the General Permitted Development Order (minor operations), for paragraph A.2 substitute—

“**A.2** For the purposes of Class A, “school” includes—

- (i) premises which have changed use under Class K or MA of Part 3 of this Schedule (changes of use) to become a registered nursery as defined in paragraph O of Part 3; and
- (ii) a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4.”

Amendments in relation to changes of use

5.—(1) Part 3 of Schedule 2 to the General Permitted Development Order (changes of use) is amended as follows.

(2) In the heading to the Part, for “Changes of Use” substitute “Changes of Use and Associated Operational Development”.

(3) After Class C, insert—

“Class CA

Permitted development

CA. Development consisting of a change of use of a building and any land within its curtilage to use as a deposit-taker falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, from a use falling within Class A1 (shops) of that Schedule.

Development not permitted

CA.1 Development is not permitted by Class CA where—

- (a) the site is or forms part of—
 - (i) a site of special scientific interest;

- (ii) a safety hazard area; or
- (iii) a military explosives storage area; or
- (b) the site is, or contains, a scheduled monument.

Conditions

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

- (a) a site which has changed use under Class CA is to be used as a deposit-taker and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a deposit-taker;
- (b) as soon as reasonably practicable after a change of use under Class CA the developer shall—
 - (i) notify the local planning authority of the change of use; and
 - (ii) provide the local planning authority with evidence that the site is being used as a deposit-taker;
- (c) a site which has changed use under Class CA to a particular type of deposit-taker use may only change use to another use falling within the definition of “deposit-taker” in paragraph CA.3 if, as soon as reasonably practicable after the change of use, the developer—
 - (i) notifies the local planning authority of the change of use; and
 - (ii) provides the authority with evidence that the site is being used as a deposit-taker.

Interpretation of Class CA

CA.3 For the purposes of Class CA, “deposit-taker” means an entity with permission under Part 4A (permission to carry on regulated activities) of the Financial Services and Markets Act 2000(a) that includes accepting deposits, including—

- (i) a bank;
- (ii) a building society within the meaning of section 119(1) (interpretation) of the Building Societies Act 1986(b);
- (iii) a credit union within the meaning of section 31(1) (interpretation) of the Credit Unions Act 1979(c); or
- (iv) a friendly society within the meaning of section 116 (friendly societies etc.) of the Friendly Societies Act 1992(d).”

(4) After Class I, insert—

“Class IA

Permitted development

IA. Development consisting of—

- (a) **a change of use of a building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from—**

(a) 2000 c. 8. Part 4A was inserted by section 11(2) of the Financial Services Act 2012 (c. 21).
 (b) 1986 c. 53; to which there are amendments not relevant to this Order.
 (c) 1979 c. 34; to which there are amendments not relevant to this Order.
 (d) 1992 c. 40; to which there are amendments not relevant to this Order.

- (i) a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule; or
 - (ii) a mixed use combining use as a dwellinghouse with a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class F of this Part or otherwise); and
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

IA.1 Development is not permitted by Class IA where—

- (a) the building was not used for one of the uses referred to in Class IA(a) on 20th March 2013 or, if the building was not in use on that date, when it was last in use;
- (b) permission to use the building for a use falling within Class A1 (shops) or A2 (financial and professional services) of that Schedule has been granted only by this Part;
- (c) the cumulative floor space of the existing building changing use under Class IA exceeds 150 square metres;
- (d) the development (together with any previous development under Class IA) would result in more than 150 square metres of floor space in the building having changed use under Class IA;
- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order);
- (g) the building is—
 - (i) on article 1(5) land;
 - (ii) in a site of special scientific interest;
 - (iii) in a safety hazard area;
 - (iv) in a military explosives storage area;
 - (v) a listed building; or
 - (vi) a scheduled monument.

Conditions

IA.2 (1) Class IA(a) development is permitted subject to the following conditions—

- (a) a building which has changed use under Class IA is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse;
- (b) before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) transport and highways impacts of the development,
 - (ii) contamination risks in relation to the building,
 - (iii) flooding risks in relation to the building, and

(iv) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(aa) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(bb) where the building is located in a key shopping area, on the sustainability of that shopping area,

and the provisions of paragraph N of this Part shall apply in relation to any such application.

(2) Class IA(b) development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the building, and the provisions of paragraph N of this Part shall apply in relation to that application.

(3) Class IA development is permitted subject to the condition that the development shall begin within a period of three years beginning with the date on which—

(a) any prior approval is granted for that development, or

(b) the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused,

whichever is the earlier.”

(5) Class K is amended as follows—

(a) in paragraph K, after “state-funded school”, insert “or a registered nursery”; and

(b) in paragraph K.2(a), after “state-funded school” in each place where it occurs, insert “or, as the case may be, as a registered nursery”.

(6) Class M is amended as follows—

(a) for “original agricultural unit”, in each place where it occurs, substitute “established agricultural unit”;

(b) for paragraph M.1(a) substitute—

“(a) the building was not used solely for an agricultural use, as part of an established agricultural unit—

(i) on 3rd July 2012;

(ii) if the building was not in use on that date, when it was last in use; or

(iii) if the building was brought into use after that date, for ten years before the date development begins;”;

(c) in paragraph M.2(c)(i), for “Class M” substitute “paragraph O of this Part”.

(7) After Class M, insert—

“Class MA

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to use as a state-funded school or a registered nursery.

Development not permitted

MA.1 Development is not permitted by Class MA where—

- (a) the building was not used solely for an agricultural use, as part of an established agricultural unit—
 - (i) on 20th March 2013;
 - (ii) if the building was not in use on that date, when it was last in use; or
 - (iii) if the building was brought into use after that date, for ten years before the date development begins;
- (b) the cumulative area of—
 - (i) floor space within the existing building or buildings, and
 - (ii) land within the curtilage of that building or those buildings,changing use under Class MA within an established agricultural unit exceeds 500 square metres;
- (c) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (d) less than one year before the date development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class MA,unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (e) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013, or within 10 years before the date development under Class MA begins, whichever is the lesser;
- (f) the site is or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area; or
 - (iii) a military explosives storage area;
- (g) the site is, or contains, a scheduled monument;
- (h) the building is a listed building.

Conditions

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

- (a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery;
- (b) after a site has changed use under Class MA, the planning permissions granted by Class B of Part 41 of this Schedule apply to the building, subject to the following modifications—
 - (i) “curtilage” has the meaning given in paragraph O of this Part; and
 - (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class MA;

- (c) before changing the use of the site under Class MA the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) transport and highways impacts of the development,
 - (ii) noise impacts of the development,
 - (iii) contamination risks on the site,
 - (iv) flooding risks on the site, and
 - (v) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to use as a state-funded school or, as the case may be, a registered nursery,
 and the provisions of paragraph N of this Part shall apply in relation to any such application;
- (d) development shall begin within a period of three years beginning with the date on which—
 - (i) any prior approval is granted for that development, or
 - (ii) the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused,
 whichever is the earlier.

Class MB

Permitted development

MB. Development consisting of—

- (a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and**
- (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.**

Development not permitted

MB.1 Development is not permitted by Class MB where—

- (a) the site was not used solely for an agricultural use, as part of an established agricultural unit—
 - (i) on 20th March 2013;
 - (ii) if the site was not in use on that date, when it was last in use; or
 - (iii) if the site was brought into use after that date, for ten years before the date the development begins;
- (b) the cumulative floor space of the existing building or buildings changing use under Class MB within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed within an established agricultural unit exceeds three;
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (e) less than one year before the date development begins—
 - (i) an agricultural tenancy over the site has been terminated, and

- (ii) the termination was for the purpose of carrying out development under Class MB,
 - unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (f) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013, or within 10 years before the date development under Class MB begins, whichever is the lesser;
- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development (together with any previous development under Class MB) would result in more than 450 square metres of floor space of building or buildings within an established agricultural unit having changed use under Class MB;
- (i) the development under Class MB(b) would consist of building operations other than—
 - (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services,
 to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph MB.1(i)(i);
- (j) the site is on article 1(5) land;
- (k) the site is or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;
- (l) the site is, or contains, a scheduled monument;
- (m) the building is a listed building.

Conditions

MB.2—(1) Class MB(a) development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site, or
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,

and the provisions of paragraph N of this Part shall apply in relation to any such application.

(2) Class MB(b) development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the building, and the provisions of paragraph N of this Part shall apply in relation to that application.

(3) Class MB development is permitted subject to the condition that the development shall begin within a period of three years beginning with the date on which—

- (a) any prior approval is granted for that development, or
- (b) the period of days referred to in paragraph N(9)(c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused,

whichever is the earlier.”.

(8) In paragraph N—

(a) In paragraph (2), after paragraph (d), insert—

“(e) where paragraph (4) requires the Environment Agency to be consulted, a site-specific flood risk assessment;”;

(b) after paragraph (2) insert—

“(2A) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

(2B) Paragraphs (3) to (6) and (8) shall not apply where a local planning authority refuses an application under paragraph (2A).”;

(c) for paragraph (7) substitute—

“(7) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts or risks;
- (b) statements setting out how impacts or risks are to be mitigated; or
- (c) details of proposed operational development;”;

(d) in paragraph (8)(b), after “March 2012”, insert “, so far as relevant to the subject matter of the prior approval;”;

(e) after paragraph (10) add—

“(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.”.

(9) In paragraph O—

(a) in the appropriate place insert—

““agricultural tenancy” means a tenancy under—

- (i) the Agricultural Holdings Act 1986(a); or
- (ii) the Agricultural Tenancies Act 1995(b);”;

(a) 1986 c. 5; amended by the Housing Act 1988 (c. 50), Education Reform Act 1988 (c. 40), Water Act 1989 (c. 15), Planning (Consequential Provisions) Act 1990 (c. 11), Agricultural Holdings (Amendment) Act 1990 (c. 15), Water Consolidation (Consequential Provisions) Act 1991 (c. 60), Coal Industry Act 1994 (c. 21), Agricultural Tenancies Act 1995 (c. 8), Family Law Act 1996 (c. 27), Trusts of Land and Appointment of Trustees Act 1996 (c. 47), Civil Partnership Act 2004 (c. 33), Charities Act 2006 (c. 50) and Finance Act 2009 (c. 10); and by S.I. 2003/1615, 2006/2805, 2012/1659 and 2013/1036.

(b) 1995 c. 8; amended by the Arbitration Act 1996 (c. 23), Trusts of Land and Appointment of Trustees Act 1996 (c. 47), Housing Act 1996 (c. 52), Civil Partnership Act 2004 (c. 33) and Legal Services Act (c. 29); and by S.I. 2006/2805 and 2013/1036.

- ““registered nursery” means non-domestic premises in respect of which a person is registered under Part 3 of the Childcare Act 2006(a) to provide early years provision;”;
- (b) for the definition of “curtilage” substitute—
- ““curtilage” means, for the purposes of Class M, MA or MB only—
- (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,
- whichever is the lesser;”;
- (c) omit the definition of “flexible use”; and
- (d) omit the definition of “original agricultural unit” and insert in the appropriate place—
- ““established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—
- (i) for the purposes of Class M, on or before 3rd July 2012 or for ten years before the date the development begins; or
- (ii) for the purposes of Class MA or MB, on or before 20th March 2013 or for ten years before the date the development begins;”.

Amendments in relation to agricultural buildings

6.—(1) Part 6 of Schedule 2 to the General Permitted Development Order (agricultural buildings and operations) is amended as follows.

- (2) In Class A, after paragraph A.1(a) insert—
- “(aa) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph O of Part 3 of this Schedule) where development under Class MA or MB of Part 3 (changes of use) has been carried out within a period of ten years ending with the date on which development under Class A(a) begins;”.
- (3) In Class B, after paragraph B.2(c) insert—
- “(ca) it would consist of the extension or provision of any agricultural building on an established agricultural unit (as defined in paragraph O of Part 3 of this Schedule) where development under Class MA or MB of Part 3 (changes of use) has been carried out within a period of ten years ending with the date on which development under Class B(a) begins;”.

Amendments in relation to registered nurseries and state-funded schools

7. In Part 32 of Schedule 2 to the General Permitted Development Order (schools, colleges, universities and hospitals), for paragraph C (interpretation) substitute—

- “C. For the purposes of Part 32—
- (a) “school”—
- (i) includes a building permitted by Class C of Part 4 of this Schedule (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Class C of Part 4;

(a) 2006 c. 21. Part 3 has been amended by the Education and Inspections Act 2006 (c. 40), Safeguarding Vulnerable Groups Act 2006 (c. 47), Education and Skills Act 2008 (c. 25), Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10); and by S.I. 2008/2833, 2012/976 and 2013/630.

- (ii) includes premises which have changed use under Class K of Part 3 of this Schedule (changes of use) to become a registered nursery; and
 - (iii) does not include a building which has permission to change use to use as a state-funded school or registered nursery only by virtue of Class MA of Part 3 of this Schedule (changes of use); and
- (b) “registered nursery” and “state-funded school” have the meanings given in paragraph O of Part 3 of this Schedule (changes of use).”.

Consequential amendments in relation to prior approval applications

8. In article 30 of the Town and Country Planning (Development Management Procedure) (England) Order 2010(a), for “Part 24” substitute “Part 1, 3 or 24”.

Signed by authority of the Secretary of State for Communities and Local Government

Nick Boles

Parliamentary Under Secretary of State

10th March 2014

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends, in relation to England, the Town and Country Planning (General Permitted Development) Order 1995 (“the General Permitted Development Order”).

Article 2 clarifies that flats are not excluded from references to dwellinghouses in Part 3 of Schedule 2 to the General Permitted Development Order.

Article 3 makes a number of amendments in relation to permitted development rights for dwellinghouses in Part 1 of Schedule 2 to the General Permitted Development Order. As a result, none of the Part 1 rights will apply where buildings have become dwellinghouses under the new change of use permitted development rights at Class IA and MB of Part 3 of Schedule 2 (see article 5 of this Order). There are some minor amendments and clarifications to the prior approval procedures in Class A of Part 1. There is also an amendment regarding the measurement of eaves in relation to roof extensions, which reverses the High Court decision in *Waltham Forest London Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2816 (Admin).

Article 4 allows premises which have become registered nurseries under the new and expanded permitted development rights at Class K and MA of Part 3 of Schedule 2 to the General Permitted Development Order (see article 5 of this Order) to build higher fences or walls next to highways, under the minor operations permitted development rights in Part 2 of Schedule 2.

Article 5 introduces into Part 3 of Schedule 2 to the General Permitted Development Order a number of new permitted development rights for change of use, some of which include permission for limited operational development:

- New Class CA allows a building used as a shop to be used as a bank, a building society, a credit union or a friendly society.
- New Class IA allows buildings used as shops or for the provision of financial or professional services to change to residential use.
- Class K is expanded to allow buildings used for a variety of uses to become nurseries.
- New Class MA allows agricultural buildings to become schools or nurseries.
- New Class MB allows agricultural buildings to change to residential use.

(a) S.I. 2010/2184; to which there are amendments not relevant to this Order.

Conditions, limitations and restrictions are applied to each of the new rights, and in some cases the prior approval of the local planning authority is required in relation to certain matters.

Article 5 also amends Class M (agricultural change of use), paragraph N (prior approval procedures) and paragraph O (interpretation) of Part 3 to clarify a number of technical or minor matters.

Article 6 prevents developers using existing rights to build or extend agricultural buildings (under Part 6 of Schedule 2 to the General Permitted Development Order) within ten years of having changed the use of an agricultural building under new Class MA or MB of Part 3 of Schedule 2 (see article 5 of this Order).

Article 7 allows premises which have become registered nurseries under the expanded Class K of Part 3 of Schedule 2 to the General Permitted Development Order (see article 5 of this Order) to take advantage of operational development rights for schools under Part 32 of Schedule 2.

Article 8 amends the Town and Country Planning (Development Management Procedure) (England) Order 2010 to clarify that local planning authorities are not required to determine applications for prior approval under Parts 1 and 3 of Schedule 2 to the General Permitted Development Order within 8 weeks. There is no need to require the local planning authority to determine such applications because failure to determine them within the period specified for prior approval means that development which complies with any other conditions, limitations and restrictions attached to the development in question is authorised by the General Permitted Development Order.

An impact assessment has been prepared in relation to this Order. The assessment will be placed in the Library of each House of Parliament and copies may be obtained from the Department for Communities and Local Government, Bressenden Place, London, SW1E 5DU or on: <http://www.legislation.gov.uk>

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