

# Town and Country Planning (General Permitted Development) (England) Order 2015/596

## art. 1 Citation, commencement and application



Law In Force

Version 1 of 1

15 April 2015 - Present

### Subjects

Planning

### 1.— Citation, commencement and application

- (1) This Order may be cited as the Town and Country Planning (General Permitted Development) (England) Order 2015 and comes into force on 15th April 2015.
- (2) This Order applies to all land in England, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order applies to that land only to such extent and subject to such modifications as may be specified in the special development order.
- (3) Nothing in this Order applies to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).

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## art. 2 Interpretation



Law In Force

### Version 9 of 9

21 April 2021 - Present

### Subjects

Planning

### 2.— Interpretation

(1) In this Order—

“*the 1960 Act*” means the Caravan Sites and Control of Development Act 1960<sup>1</sup>;

“*the Act*” means the Town and Country Planning Act 1990;

“*adjoining owner or occupier*” means any owner or occupier of any premises or land adjoining the site;

“*aerodrome*” means an aerodrome as defined in [paragraph 1 of Schedule 1 to the Air Navigation Order 2016]<sup>2</sup> which is—

(a) licensed under that Order,

(b) a Government aerodrome,

(c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,

(d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or

(e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and, for the purposes of this definition, the terms “*aerial work*”, “*Government aerodrome*” and “*public transport*” have the meanings given in [paragraph 1 of Schedule 1 to that Order]<sup>3</sup>;

“*aqueduct*” does not include an underground conduit;

“*area of outstanding natural beauty*” means an area designated as such by an order made by Natural England under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas)<sup>4</sup> as confirmed by the Secretary of State;

“*building*” —

(a) includes any structure or erection and, except in [Class F of Part 2, Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16, Class T of Part 19 and Class ZA of Part 20 of Schedule 2]<sup>5</sup>, includes any part of a building; and

(b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;

“*caravan*” has the same meaning as for the purposes of Part 1 of the 1960 Act (caravan sites)<sup>6</sup>;

“*caravan site*” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“*classified road*” means a highway or proposed highway which—

(a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)<sup>7</sup>; or

(b) is classified by the Secretary of State for the purposes of any enactment by virtue of section 12(3) of that Act;

“*cubic content*” means the cubic content of a structure or building measured externally;

[

“*dwellinghouse*” , except in Part 3 (changes of use), [ Class B (demolition of buildings) of Part 11 (heritage and demolition),]<sup>9</sup> Part 12A (development by local authorities and health service bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building;

] <sup>8</sup>

“*electronic communication*” has the meaning given in section 15(1) of the Electronic Communications Act 2000<sup>10</sup>;

“*erection*” , in relation to buildings, includes extension, alteration, or re-erection;

“*existing*” , in relation to any building or any plant or machinery or any use, means (except in the definition of “*original*” ) existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

“*flat*” , except [ in Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order or]<sup>11</sup> in the expression “*flat roof*” , means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“*Flood Zone 1*” , “*Flood Zone 2*” and “*Flood Zone 3*” have the meaning given in Schedule 4 to the Procedure Order;

“*floor space*” means the total floor space in a building or buildings;

“*industrial process*” means a process for or incidental to any of the following purposes—

(a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

“*land drainage*” has the same meaning as in section 116 of the Land Drainage Act 1976 (interpretation)<sup>12</sup>;

“*listed building*” has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listing of buildings of special architectural or historic interest)<sup>13</sup>;

“*local advertisement*” means publication of the notice in at least one newspaper circulating in the locality in which—

(a) in the case of a direction, the area or, as the case may be, the whole or relevant part of the conservation area to which the direction relates is situated; and

(b) in any other case, the land to which the proposed development relates is situated;

“*machinery*” includes any structure or erection in the nature of machinery;

“*microwave*” means that part of the radio spectrum above 1,000 MHz;

“*microwave antenna*” means a satellite antenna or a terrestrial microwave antenna;

[

“*military explosives storage area*” means any area, including an aerodrome, depot, mooring or port, at which the storage of military explosives may be undertaken and for which the associated explosives safeguarding zone is identified on a safeguarding map, issued by the Secretary of State, provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 31(1) of the Procedure Order (or any previous powers to the like effect) <sup>15</sup>;

] <sup>14</sup>

“*mine*” means any site on which mining operations are carried out;

“*mining operations*” means the winning and working of minerals in, on or under land, whether by surface or underground working;

“*network*” and “*operator*”, for the purposes of Part 3 and 4 of Schedule 2, have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services) <sup>16</sup>;

“*notifiable pipe-line*” means a major accident hazard pipeline (as described in regulation 18 of the Pipelines Safety Regulations 1996) but does not include a pipeline the construction of which has been authorised under section 1 of the Pipelines Act 1962 <sup>17</sup>;

“*operational Crown building*” means a building which is operational Crown land;

“*operational Crown land*” means—

- (a) Crown land <sup>18</sup> which is used for operational purposes; and
- (b) Crown land which is held for those purposes,

but does not include—

- (i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;
- (ii) Crown land—
  - (aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;
  - (bb) in which there is an interest belonging to Her Majesty in right of Her private estates;
  - (cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or
  - (dd) belonging to the Duchy of Cornwall;

“*operational purposes*” means the purposes of carrying on the functions of the Crown or of either House of Parliament;

“*original*” means—

- (a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;
- (b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and

(d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;

“*plant*” includes any structure or erection in the nature of plant;

“*private way*” means a highway not maintainable at the public expense and any other way other than a highway;

“*Procedure Order*” means the Town and Country Planning (Development Management Procedure) (England) Order 2015;

“*proposed highway*” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)<sup>19</sup>;

[

“*public holiday*” means Christmas Day, Good Friday or a day which under the Banking and Financial Dealings Act 1971 is a bank holiday in England.

] <sup>20</sup>

“*public service vehicle*” means—

(a) a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981 (definition of public service vehicles)<sup>21</sup>, or

(b) a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988 (general interpretation)<sup>22</sup>;

[

“*railway undertakers*” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)<sup>19</sup>;

] <sup>23</sup>

“*safety hazard area*” means an area notified to the local planning authority—

(a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 4 to the Procedure Order (or any previous powers to the like effect); or

(b) by the Office for Nuclear Regulation for the purposes of paragraph (f) of that Table;

“*satellite antenna*” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“*scheduled monument*” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments)<sup>24</sup>;

“*site display*” means the posting of the notice by firmly attaching it to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“*site of archaeological interest*” means land which—

(a) is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);

(b) is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance)<sup>25</sup>, or

(c) is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record;

“*site of special scientific interest*” means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest, notification of additional land and enlargement of SSSI)<sup>26</sup> applies;

“*statutory undertaker*” includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers)<sup>27</sup> —

(a) a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011<sup>28</sup>) in connection with the provision of a universal postal service (within the meaning of that Part)<sup>29</sup>;

(b) the Civil Aviation Authority;

(c) a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 (air traffic services);

(d) the Environment Agency<sup>30</sup>;

(e) any water undertaker;

(f) any gas transporter; and

(g) any licence holder under section 6 of the Electricity Act 1989<sup>31</sup>;

“*terrestrial microwave antenna*” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

[

“*transport undertakers*” includes, in addition to the meaning of transport undertaker in section 329 of the Highways Act 1980 (further provision as to interpretation), any person authorised to carry on—

(a) a road transport undertaking; or

(b) a tramway undertaking;

] <sup>32</sup>

“*trunk road*” means a highway or proposed highway which is a trunk road by virtue of section 10(1) or 19 of the Highways Act 1980 (general provision as to trunk roads, and certain special roads and other highways to become trunk roads)<sup>33</sup> or any other enactment or any instrument made under any enactment;

“*the Use Classes Order*” means the Town and Country Planning (Use Classes) Order 1987<sup>34</sup>; and

“*World Heritage Site*” means a property appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972<sup>35</sup>.

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “*ground level*” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(3) The land referred to elsewhere in this Order as article 2(3) land is the land described in Part 1 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc).

(4) The land referred to elsewhere in this Order as article 2(4) land is the land described in Part 2 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

[...] <sup>36</sup>

(6) Paragraphs (7) to (11) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order or in any Schedule to this Order to give or send any statement, notice or other document to any other person (“the recipient”).

(7) The requirement referred to in paragraph (6) is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(8) In paragraph (7), “*legible in all material respects*” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

[

(9) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day; and for this purpose “*working day*” means a day which is not a Saturday, Sunday or public holiday.

] <sup>37</sup>

(10) A requirement in this Order or in any Schedule to this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (7), and “*written*” and related expressions are to be construed accordingly.

(11) References in this Order or in any Schedule to this Order to plans, drawings, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(12) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or its precincts is vested is treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.

## Notes

- 1 Which was amended by the Town and Country Planning Act 1962 (c. 38), Local Government Act 1963 (c. 33), Courts Act 1971 (c. 23), Local Government Act 1972 (c. 70), Local Government Act 1974 (c. 7), Statute Law (Repeals) Act 1974 (c. 22), Greater London Council (General Powers) Act 1976 (c. 26), Local Government, Planning and Land Act 1980 (c. 65), Acquisition of Land Act 1981 (c. 67), Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Criminal Justice Act 1982 (c. 48), Planning (Consequential Provisions) Act 1990 (c. 11), Statute Law (Repeals) Act 1993 (c. 50), Criminal Justice and Public Order Act 1994 (c. 33), Environment Act 1995 (c. 25), Courts Act 2003 (c. 39), Fire and Rescue Services Act 2004 (c. 21), Mobile Homes Act 2013 (c. 14), and S.I. 1975/1636 and 2005/1541. There are other amendments not relevant to this Order.

## Notes

- 2 Words substituted by Air Navigation Order 2016/765 Sch.14(2)(2)(1) para.8(a)(i) (August 25, 2016: substitution has effect subject to savings specified in SI 2016/765 reg.274)
- 3 Words substituted by Air Navigation Order 2016/765 Sch.14(2)(2)(1) para.8(a)(ii) (August 25, 2016: substitution has effect subject to savings specified in SI 2016/765 reg.274)
- 4 2000 c. 37. Section 82 was amended by Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16). There is another amendment not relevant to this Order.
- 5 Words substituted by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020/756 art.3 (August 31, 2020 at 10.00)
- 6 See in particular section 29, to which there are amendments not relevant to this Order.
- 7 1980 c. 66.
- 8 Definition substituted by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.3(a) (August 1, 2020: substitution has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
- 9 Words inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021/428 art.3 (April 21, 2021: insertion has effect subject to saving and transitional provision specified in SI 2021/428 art.15)
- 10 Section 15 was amended by Schedule 17 to the Communications Act 2003 (c. 21).
- 11 Words inserted by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.3(b) (August 1, 2020: insertion has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
- 12 1976 c. 70, to which there are amendments not relevant to this Order.
- 13 1990 c. 9. Section 1 was amended by Schedule 17 to the Enterprise and Regulatory Reform Act 2013 (c. 24).
- 14 Definition substituted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018/343 art.3(b) (April 6, 2018)
- 15 See the Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas) Directive 2002, which is annexed to the Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- 16 1993 c. 43; see in particular sections 6 and 83. Relevant amendments to section 6 were made by S.I. 1998/1340 and 2005/3050.
- 17 Section 1 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), Schedule 2 to the Planning Act 2008 (c. 29) and S.I. 1999/742 and 2007/1519.
- 18 *See* section 293 of the Act for the definition of Crown land.
- 19 There are amendments to section 329 not relevant to this Order.
- 20 Definition inserted by Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018/119 Pt 5 art.25(a) (June 1, 2018)
- 21 1981 c. 14. Section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67).
- 22 1988 c. 52. The definition of “trolley vehicle” was amended by Schedule 4 to the Road Traffic Act 1991 (c. 40).
- 23 Definition inserted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018/343 art.3(c) (April 6, 2018)
- 24 1979 c. 46. Section 1 was amended by Schedule 4 to the National Heritage Act 1983 (c. 47), and modified by section 70 of, and Schedule 9 to, the Environment Act 1995 (c. 25).
- 25 1979 c. 46. Section 33 was amended by Schedule 4 to the National Heritage Act 1983 (c. 47) and Schedule 2 to the Local Government Act 1985 (c. 51), and modified by section 70 of, and Schedule 9 to, the Environment Act 1995 (c. 25).
- 26 1981 c. 69. Section 28 was substituted, and sections 28B and 28C were inserted, by Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37). Sections 28(1), 28B(1) and 28C(1) are amended by Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), and section 28(1) was further amended by Schedule 13 to the Marine and Coastal Access Act 2009 (c. 23).
- 27 Section 262 was amended by Schedule 19 to the Planning and Compensation Act 1991 (c. 34), Schedule 5 to the Transport Act 2000 (c. 38) and S.I. 2001/1149 and 2013/755, and modified by sections 31 and 76 of the Utilities Act 2000 (c. 27).
- 28 See in particular sections 35 and 65 of the Act.



## Notes

- 29 See in particular sections 30 to 33 and 65 of the Postal Services Act 2011.
- 30 A body established under section 1 of the Environment Act 1995 (c. 25).
- 31 Section 6 was substituted by section 30 of the Utilities Act 2000, and amended by sections 89, 136, 143, 145 and 197 of, and Schedule 23 to, the Energy Act 2004 (c. 20), Schedule 8 to the Climate Change Act 2008 (c. 27), Schedule 1 to the Energy Act 2011 (c. 16) and S.I. 2011/2704 and 2012/2400.
- 32 Definition substituted by Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019/907 Pt 2 reg.3 (May 25, 2019: substitution has effect subject to transitional and saving provisions specified in SI 2019/907 reg.19)
- 33 1980 c. 66; section 10 was amended by section 22 of the New Roads and Street Works Act 1991 (c. 22) and Schedule 2 to the Planning Act 2008 (c. 29); section 19 was amended by section 21 of the New Roads and Street Works Act 1991.
- 34 Relevant amendments are made by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293, 2005/84, 2006/220, 2006/1282, 2010/653, 2010/675, 2011/988 and 2015/597.
- 35 See <http://whc.unesco.org/en/list>
- 36 Revoked by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016/332 art.7(2)(i) (May 31, 2019: revocation has effect from May 31, 2019)
- 37 Substituted by Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018/119 Pt 5 art.25(b) (June 1, 2018)

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## art. 3 Permitted development



Law In Force

### Version 5 of 5

6 April 2021 - Present

### Subjects

Planning

### 3.— Permitted development

(1) Subject to the provisions of this Order and [regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017]<sup>1</sup> (general development orders)<sup>2</sup>, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(7) Any development falling within Class A of Part 18 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval is not to be treated for the purposes of this Order as authorised unless and until that consent or approval is obtained, except where the Act was passed or the order made after 1st July 1948 and it contains provision to the contrary.

(8) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a gas transporter in accordance with Class A of Part 15 of that Schedule.

(9) Except as provided in Classes B and C of Part 11, Schedule 2 does not permit any development which requires or involves the demolition of a building, but in this paragraph “*building*” does not include part of a building.

[

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015<sup>4</sup>.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

] <sup>3</sup>

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the [Town and Country Planning (Environmental Impact Assessment) Regulations 2017]<sup>5</sup> (“the EIA Regulations”) is not permitted by this Order unless—

(a) the local planning authority has adopted a screening opinion under [regulation 6]<sup>6</sup> of those Regulations that the development is not EIA development [ within the meaning of those Regulations]<sup>7 8</sup>;

(b) the Secretary of State has made a screening direction under [regulation 5(3)]<sup>9</sup> of those Regulations that the development is not EIA development [ within the meaning of those Regulations]<sup>7</sup> ; or

(c) the Secretary of State has given a direction under [regulation 63(1)]<sup>10</sup> of those Regulations that the development is exempted from the application of those Regulations.

(11) Where—

(a) the local planning authority has adopted a screening opinion under [regulation 6]<sup>6</sup> of the EIA Regulations that development is EIA development [ within the meaning of those Regulations]<sup>11</sup> and the Secretary of State has in relation to that development neither made a screening direction to the contrary under [regulation 5(3)]<sup>12</sup> of those Regulations nor directed under [regulation 63(1)]<sup>10</sup> of those Regulations that the development is exempted from the application of those Regulations; or

(b) the Secretary of State has directed that development is EIA development [ within the meaning of those Regulations]<sup>11</sup> , that development is treated, for the purposes of paragraph (10), as development which is not permitted by this Order.

(12) Paragraph (10) does not apply to—

(a) development which consists of the carrying out by a drainage body, within the meaning of the Land Drainage Act 1991<sup>13</sup>, of improvement works within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999<sup>14</sup>;

(b) development for which permission is granted by Class E of Part 6, Class K of Part 7, Class B of Part 12, Class A(a) of Part 15, Class D, E or I of Part 17 or Class A of Part 18 of Schedule 2;

(c) development for which permission is granted by Class F,H or K of Part 17 of Schedule 2 where the land in, on or under which the development is to be carried out is—

(i) in the case of Class F of Part 17, on the same authorised site,

(ii) in the case of Class H of Part 17, on the same premises or, as the case may be, the same ancillary mining land,

(iii) in the case of Class K of Part 17, on the same land or, as the case may be, on land adjoining that land,

as that in, on or under which development of any description permitted by the same Class has been carried out before 14th March 1999;

- (d) the completion of any development begun before 14th March 1999;
  - (e) development for which permission is granted by Class B of Part 9 of Schedule 2.
- (13) Where a person uses electronic communications for making any application required to be made under any of Part of Schedule 2, that person is taken to have agreed—
- (a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;
  - (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and
  - (c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

## Notes

- 1 Words substituted by Conservation of Habitats and Species Regulations 2017/1012 Sch.6(2) para.52 (November 30, 2017)
- 2 S.I. 2010/490.
- 3 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020/1243 Pt 2 reg.3 (April 6, 2021: insertion has effect subject to transitional and saving provisions specified in SI 2020/1243 reg.12(1) and (2))
- 4 "Technical housing standards – nationally described space standard" – <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard> a copy of which can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF. A copy in different formats (including braille) and in languages other than English is available on request.
- 5 Words substituted by Town and Country Planning (Environmental Impact Assessment) Regulations 2017/571 Pt 12 reg.73(2)(a) (May 16, 2017)
- 6 Words substituted by Town and Country Planning (Environmental Impact Assessment) Regulations 2017/571 Pt 12 reg.73(4)(a) (May 16, 2017)
- 7 Words inserted by Town and Country Planning (Environmental Impact Assessment) Regulations 2017/571 Pt 12 reg.73(2)(b) (May 16, 2017)
- 8 See regulation 2 of S.I. 2011/1824 for the definition of "*EIA development*".
- 9 Words substituted by Town and Country Planning (Environmental Impact Assessment) Regulations 2017/571 Pt 12 reg.73(4)(b) (May 16, 2017)
- 10 Words substituted by Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018/695 reg.4(2) (October 1, 2018)
- 11 Words inserted by Town and Country Planning (Environmental Impact Assessment) Regulations 2017/571 Pt 12 reg.73(3) (May 16, 2017)
- 12 Words substituted by Town and Country Planning and Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2018/695 reg.4(3) (October 1, 2018)
- 13 See section 72 for the definition of "drainage body", was amended by Schedule 22 to the Environment Act 1995 (c. 25); there is another amendment which is not relevant to this Order.
- 14 See regulation 2 for the definition of "*improvement works*"; the definition was amended by S.I. 2005/1399. There are other amendments not relevant to this Order.

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## art. 4 Directions restricting permitted development



Law In Force

Version 3 of 3

24 March 2020 - Present

### Subjects

Planning

#### 4. Directions restricting permitted development

(1) If the Secretary of State or the local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than [Class DA of Part 4 or]<sup>1</sup> [Class K, KA or M of Part 17]<sup>2</sup>, should not be carried out unless permission is granted for it on an application, the Secretary of State or (as the case may be) the local planning authority, may make a direction under this paragraph that the permission granted by article 3 does not apply to—

- (a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or
- (b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction,

and the direction must specify that it is made under this paragraph.

(2) A direction under paragraph (1) does not affect the carrying out of—

- (a) development permitted by any Class in Schedule 2 which is expressed to be subject to prior approval where, in relation to that development, the prior approval date occurs before the date on which the direction comes into force and the development is completed within a period of 3 years starting with the prior approval date;
- (b) development permitted by Class B of Part 9 of Schedule 2;
- (c) development mentioned in Class A of Part 16 of Schedule 2, unless the direction specifically so provides;
- (d) development permitted by Class A of Part 18 of Schedule 2 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;
- (e) development permitted by Class Q, R, S or T of Part 19 of Schedule 2;
- (f) development permitted under Schedule 2 in an emergency.

(3) A direction made or having effect as if made under this article does not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

- (a) the maintenance of bridges, buildings and railway stations;
- (b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;
- (c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;
- (d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, quay, harbour, bank, wharf or basin;

(e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;

(f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome; or

(g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class F of Part 8 of Schedule 2).

(4) The procedures which must be followed in making, modifying or cancelling any direction made under article 4(1) are set out in Schedule 3.

(5) In this article and in Schedule 3—

“*local planning authority*” means the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate; and

“*prior approval date*” means the date on which—

(a) prior approval is given;

(b) a determination that such approval is not required is given, or

(c) any period for giving such a determination has expired without the applicant being notified whether prior approval is required, given or refused.

## Notes

- 1 Words inserted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020/330 art.3 (March 24, 2020 at 10.00)
- 2 Word inserted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016/332 art.12 (April 6, 2016)

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## Schedule 2 Permitted development rights para. A



Law In Force

Version 1 of 1

15 April 2015 - Present

### Subjects

Planning

A.

*The enlargement, improvement or other alteration of a dwellinghouse .*

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassA) enlargement, improvement or other alteration of a dwellinghouse > Permitted Development > para. A*

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## Schedule 2 Permitted development rights para. A1



Version 7 of 7

1 August 2021 - Present

**Subjects**  
Planning

**A.1.**

Development is not permitted by Class A if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class G, M, MA, N, P, PA or Q of Part 3]<sup>1</sup> of this Schedule (changes of use);
- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;
- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;
- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—
  - (i) forms the principal elevation of the original dwellinghouse; or
  - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;
- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;
- (g) [...] <sup>2</sup> for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height;
- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
  - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

[



(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

] <sup>3</sup>

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse; [...] <sup>4</sup>

[

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

] <sup>5</sup>

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse [; or] <sup>6</sup>

[

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

] <sup>7</sup>

## Notes

- 1 Word inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021/814 art.3(2)(a) (August 1, 2021: insertion has effect subject to savings and transitional provisions specified in SI 2021/814 art.13 and Sch.1)
- 2 Words revoked by Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019/907 Pt 2 reg.4(a) (May 25, 2019: revocation has effect subject to transitional and saving provisions specified in SI 2019/907 reg.19)
- 3 Substituted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016/332 art.4 (April 6, 2016)
- 4 Word revoked by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.5(a)(i) (August 1, 2020: revocation has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)

## Notes

- 5 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017/391 art.3(a) (April 6, 2017: insertion has effect subject to transitional and saving provisions as specified in SI 2017/391 art.8 )
  - 6 Word substituted for punctuation by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.5(a)(ii) (August 1, 2020: substitution has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
  - 7 Added by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.5(a)(iii) (August 1, 2020: insertion has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (Class A) enlargement, improvement or other alteration of a dwellinghouse > Development not permitted > para. A1*

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## Schedule 2 Permitted development rights para. A2



Version 2 of 2

6 April 2017 - Present

**Subjects**  
Planning

**A.2.**

In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
  - (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; [...]<sup>1</sup>
  - (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse [; or]<sup>1</sup>
- [
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).
- ]<sup>1</sup>

### Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017/391 art.3(b) (April 6, 2017: insertion has effect subject to transitional and saving provisions as specified in SI 2017/391 art.8 )

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassA) enlargement, improvement or other alteration of a dwellinghouse > Development not permitted > para. A2*

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## Schedule 2 Permitted development rights para. A3



Law In Force

Version 2 of 2

6 April 2017 - Present

**Subjects**  
Planning

**A.3.**

Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

[

- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

] <sup>1</sup>

### Notes

- 1 Substituted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017/391 art.3(c) (April 6, 2017: substitution has effect subject to transitional and saving provisions as specified in SI 2017/391 art.8 )

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassA) enlargement, improvement or other alteration of a dwellinghouse > Conditions > para. A3*

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## Schedule 2 Permitted development rights para. A4



Law In Force

Version 5 of 5

1 August 2020 - Present

**Subjects**  
Planning

**A.4.—**

(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g).

(2) Before beginning the development the developer must provide the following information to the local planning authority—

(a) a written description of the proposed development including—

(i) how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse;

(ii) the maximum height of the enlarged part of the dwellinghouse; [...] <sup>1</sup>

(iii) the height of the eaves of the enlarged part of the dwellinghouse [; and] <sup>1</sup>

[

(iv) where the enlarged part will be joined to an existing enlargement of the dwellinghouse, the information in subparagraphs (i) to (iii) must be provided in respect of the total enlargement (being the enlarged part together with the existing enlargement to which it will be joined);

] <sup>1</sup>

(b) a plan indicating the site and showing the proposed development [ and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined] <sup>2</sup> ;

(c) the addresses of any adjoining premises;

(d) the developer's contact address; and

(e) the developer's email address if the developer is content to receive communications electronically [,] <sup>3</sup>

[ together with any fee required to be paid.] <sup>3</sup>

(3) 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(f) but is allowed by paragraph A.1(g).

(4) Sub-paragraphs (5) to (7) and (9) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—[

(a) describes the development by setting out the information provided to the authority by the developer under paragraph A.4(2)(a);

] <sup>4</sup>

(b) provides the address of the proposed development;

(c) specifies the date when the information referred to in sub-paragraph (2) was received by the local planning authority and the date when the period referred to in sub-paragraph (10)(c) would expire; and

(d) specifies the date (being not less than 21 days from the date of the notice) by which representations are to be received by the local planning authority.

(6) The local planning authority must send a copy of the notice referred to in sub-paragraph (5) to the developer.

(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises.

(8) 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.

(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—

(a) take into account any representations made as a result of the notice given under sub-paragraph (5); and

(b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

(10) The development must not begin before the occurrence of one of the following—

(a) the receipt by the developer from the local planning authority of a written notice that their prior approval is not required;

(b) the receipt by the developer from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 42 days following the date on which the information referred to in sub-paragraph (2) was received by the local planning authority without the local planning authority notifying the developer as to whether prior approval is given or refused.

(11) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (10)(c) applies, in accordance with the information provided under sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(12) 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.

[...] <sup>5</sup> [

(16) When computing the number of days in sub-paragraph (5)(d), any day which is a public holiday must be disregarded.

]⁶

## Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017/391 art.3(d) (April 6, 2017: insertion has effect subject to transitional and saving provisions as specified in SI 2017/391 art.8 )
- 2 Words inserted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017/391 art.3(e) (April 6, 2017: insertion has effect subject to transitional and saving provisions as specified in SI 2017/391 art.8 )
- 3 Words inserted by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.5(b) (August 1, 2020: insertion has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
- 4 Substituted by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017/391 art.3(f) (April 6, 2017: substitution has effect subject to transitional and saving provisions as specified in SI 2017/391 art.8 )
- 5 Revoked by Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019/907 Pt 2 reg.4(b) (May 25, 2019: revocation has effect subject to transitional and saving provisions specified in SI 2019/907 reg.19)
- 6 Added by Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018/119 Pt 5 art.26(1) (June 1, 2018)

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (Class A) enlargement, improvement or other alteration of a dwellinghouse > Conditions > para. A4*

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## Schedule 2 Permitted development rights para. AA Permitted development



Law In Force

Version 1 of 1

31 August 2020 - Present

### Subjects

Planning

[

### AA.— Permitted development

The enlargement of a dwellinghouse consisting of the construction of—

- (a) up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or
- (b) one additional storey, where the existing dwellinghouse consists of one storey,

immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.

] <sup>1</sup>

### Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(2) (August 31, 2020 at 9.00)

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassAA)  
Class AA - enlargement of a dwellinghouse by construction of additional storeys > para. AA Permitted development*

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## Schedule 2 Permitted development rights para. AA\_1 Development not permitted



### Version 3 of 3

1 August 2021 - Present

#### Subjects

Planning

[

#### AA.1.— Development not permitted

Development is not permitted by Class AA if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class G, M, MA, N, O, P, PA or Q of Part 3]<sup>2</sup> of this Schedule (changes of use);
- (b) the dwellinghouse is located on—
  - (i) article 2(3) land; or
  - (ii) a site of special scientific interest;
- (c) the dwellinghouse was constructed before 1st July 1948 or after 28th October 2018;
- (d) the existing dwellinghouse has been enlarged by the addition of one or more storeys above the original dwellinghouse, whether in reliance on the permission granted by Class AA or otherwise;
- (e) following the development the height of the highest part of the roof of the dwellinghouse would exceed 18 metres;
- (f) following the development the height of the highest part of the roof of the dwellinghouse would exceed the height of the highest part of the roof of the existing dwellinghouse by more than—
  - (i) 3.5 metres, where the existing dwellinghouse consists of one storey; or
  - (ii) 7 metres, where the existing dwellinghouse consists of more than one storey;
- (g) the dwellinghouse is not detached and following the development the height of the highest part of its roof would exceed by more than 3.5 metres—
  - (i) in the case of a semi-detached house, the height of the highest part of the roof of the building with which it shares a party wall (or, as the case may be, which has a main wall adjoining its main wall); or
  - (ii) in the case of a terrace house, the height of the highest part of the roof of every other building in the row in which it is situated;
- (h) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—
  - (i) 3 metres; or
  - (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing dwellinghouse;
- (i) any additional storey is constructed other than on the principal part of the dwellinghouse;

(j) the development would include the provision of visible support structures on or attached to the exterior of the dwellinghouse upon completion of the development; or

(k) the development would include any engineering operations other than works within the curtilage of the dwellinghouse to strengthen its existing walls or existing foundations.

] <sup>1</sup>

## Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(2) (August 31, 2020 at 9.00)
- 2 Word inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021/814 art.3(2)(b) (August 1, 2021: insertion has effect subject to savings and transitional provisions specified in SI 2021/814 art.13 and Sch.1)

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassAA) Class AA - enlargement of a dwellinghouse by construction of additional storeys > para. AA\_1 Development not permitted*

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## Schedule 2 Permitted development rights para. AA\_2 Conditions



### Version 1 of 1

31 August 2020 - Present

#### Subjects

Planning

[

#### AA.2.— Conditions

- (1) Development is permitted by Class AA subject to the conditions set out in sub-paragraphs (2) and (3).
- (2) The conditions in this sub-paragraph are as follows—
  - (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
  - (b) the development must not include a window in any wall or roof slope forming a side elevation of the dwelling house;
  - (c) the roof pitch of the principal part of the dwellinghouse following the development must be the same as the roof pitch of the existing dwellinghouse; and
  - (d) following the development, the dwellinghouse must 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 a dwellinghouse.
- (3) The conditions in this sub-paragraph are as follows—
  - (a) before beginning the development, the developer must apply to the local planning authority for prior approval as to—
    - (i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
    - (ii) the external appearance of the dwellinghouse, including the design and architectural features of—
      - (aa) the principal elevation of the dwellinghouse, and
      - (bb) any side elevation of the dwellinghouse that fronts a highway;
    - (iii) air traffic and defence asset impacts of the development; and
    - (iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012<sup>2</sup> issued by the Secretary of State;
  - (b) before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on adjoining owners or occupiers will be mitigated;
  - (c) the development must be completed within a period of 3 years starting with the date prior approval is granted;
  - (d) the developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion; and

(e) that notification must be in writing and include—

- (i) the name of the developer;
- (ii) the address of the dwellinghouse; and
- (iii) the date of completion.

] <sup>1</sup>

## Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(2) (August 31, 2020 at 9.00)
- 2 <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassAA)  
Class AA - enlargement of a dwellinghouse by construction of additional storeys > para. AA\_2 Conditions*

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## Schedule 2 Permitted development rights para. AA\_3 Procedure for applications for prior approval



Law In Force

Version 3 of 3

11 January 2022 - Present

### Subjects

Planning

[

### AA.3.— Procedure for applications for prior approval

(1) The following sub-paragraphs apply where an application to the local planning authority for prior approval is required by paragraph AA.2(3)(a).

(2) The application must be accompanied by—

(a) a written description of the proposed development, including details of any works proposed;

(b) a plan which is drawn to an identified scale and shows the direction of North, indicating the site and showing the proposed development; and

(c) a plan which is drawn to an identified scale and shows—

(i) the existing and proposed elevations of the dwellinghouse, and

(ii) the position and dimensions of the proposed windows [.]<sup>2</sup>

[ together with any fee required to be paid.]<sup>3</sup>

(3) The local planning authority may refuse an application where, in its opinion—

(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 paragraphs AA.1 and AA.2.

(4) Sub-paragraphs (5) to (8) do not apply where a local planning authority refuses an application under sub-paragraph (3); and for the purposes of section 78 (appeals) of the Act<sup>4</sup>, such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must notify each adjoining owner or occupier about the proposed development by serving on them a notice which—

(a) describes the proposed development, including the maximum height of the proposed additional storeys;

(b) provides the address of the proposed development; and

(c) specifies the date, which must not be less than 21 days from the date the notice is given, by which representations are to be received by the local planning authority.

- (6) Where the application relates to prior approval as to the impact on air traffic or defence assets, the local planning authority must consult any relevant operators of aerodromes, technical sites or defence assets and where appropriate the Civil Aviation Authority and the Secretary of State for Defence.
- (7) Where an aerodrome, technical site or defence asset is identified on a safeguarding map provided to the local planning authority, the local planning authority must not grant prior approval contrary to the advice of the operator of the aerodrome, technical site or defence asset, the Civil Aviation Authority or the Secretary of State for Defence.
- (8) Where the application relates to prior approval as to the impact on protected views, the local planning authority must consult Historic England, the Mayor of London and any local planning authorities identified in the Directions Relating to Protected Vistas dated 15th March 2012<sup>5</sup> issued by the Secretary of State.
- (9) The local planning authority must notify the consultees referred to in sub-paragraphs (6) and (8) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.
- (10) When computing the number of days in sub-paragraphs (5)(c) and (9), any day which is a public holiday must be disregarded.
- (11) 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, having regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [July 2021]<sup>6 7</sup>; and
  - (c) details of proposed building or other operations.
- (12) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any notice given under sub-paragraph (5) and any consultation under sub-paragraph (6) or (8); and
  - (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [July 2021]<sup>8</sup>, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- (13) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.
- (14) The development must be carried out in accordance with the details approved by the local planning authority.
- (15) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

] <sup>1</sup>

## Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(2) (August 31, 2020 at 9.00)

## Notes

- 2 Words inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021/814 art.3(3) (August 1, 2021: insertion has effect subject to savings and transitional provisions specified in SI 2021/814 art.13 and Sch.1)
- 3 Words inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021/814 art.3(3) (August 1, 2021: insertion has effect subject to savings and transitional provisions specified in SI 2021/814 art.13 and Sch.1)
- 4 See the definition of "*the Act*" in article 2 of S.I. 2015/596.
- 5 <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance/london-view-management> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- 6 Words substituted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021/1464 art.3(1)(a)(i) (January 11, 2022)
- 7 <https://www.gov.uk/government/publications/national-planning-policy-framework--2> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.
- 8 Words substituted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021/1464 art.3(1)(a)(ii) (January 11, 2022)
- 

*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassAA) Class AA - enlargement of a dwellinghouse by construction of additional storeys > para. AA\_3 Procedure for applications for prior approval*

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## Schedule 2 Permitted development rights para. AA\_4 Interpretation of Class AA



Version 1 of 1

31 August 2020 - Present

### Subjects

Planning

[

### AA4.— Interpretation of Class AA

(1) For the purposes of Class AA—

*"defence asset"* means a site identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of the powers conferred by article 31(1) of the Procedure Order or any previous powers to the like effect<sup>2</sup>;

*"detached"*, in relation to a dwellinghouse, means that the dwellinghouse does not—

- (a) share a party wall with another building; or
- (b) have a main wall adjoining the main wall of another building;

*"principal part"*, in relation to a dwellinghouse, means the main part of the dwellinghouse excluding any front, side or rear extension of a lower height, whether this forms part of the original dwellinghouse or is a subsequent addition;

*"semi-detached"*, in relation to a dwellinghouse, means that the dwellinghouse is neither detached nor a terrace house;

*"technical sites"* has the same meaning as in the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002<sup>3</sup>;

*"terrace house"* means a dwellinghouse situated in a row of three or more buildings, where—

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the building on either side; or
- (b) if it is at the end of a row, it shares a party wall with, or has a main wall adjoining the main wall of, a building which fulfils the requirements of paragraph a.

(2) In Class AA references to a *"storey"* do not include—

- (a) any storey below ground level; or
- (b) any accommodation within the roof of a dwellinghouse, whether comprising part of the original dwellinghouse or created by a subsequent addition or alteration,

and accordingly, references to an *"additional storey"* include a storey constructed in reliance on the permission granted by Class AA which replaces accommodation within the roof of the existing dwellinghouse.

] <sup>1</sup>



## Notes

- 1 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(2) (August 31, 2020 at 9.00)
  - 2 Joint Circular 01/2003 issued on 27th January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.
  - 3 Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27th January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.
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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage  
of a dwellinghouse > (ClassAA) Class AA - enlargement of a dwellinghouse  
by construction of additional storeys > para. AA\_4 Interpretation of Class AA*

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## Schedule 2 Permitted development rights para. B



Law In Force

Version 1 of 1

15 April 2015 - Present

### Subjects

Planning

**B.**

*The enlargement of a dwellinghouse consisting of an addition or alteration to its roof .*

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse  
> (ClassB) additions etc to the roof of a dwellinghouse > Permitted development > para. B*

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# Schedule 2 Permitted development rights para. B1



Law In Force

Version 6 of 6

1 August 2021 - Present

**Subjects**  
Planning

**B.1.**

Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class G, M, MA, N, P, PA or Q of Part 3]<sup>1</sup> of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
  - (i) 40 cubic metres in the case of a terrace house, or
  - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
  - (i) the construction or provision of a verandah, balcony or raised platform, or
  - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; [...]<sup>2</sup>
- (f) the dwellinghouse is on article 2(3) land [ ; [...]<sup>4</sup> ]<sup>3</sup>

[

- (g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) [; or]<sup>6</sup>

]<sup>5</sup>[

- (h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

]<sup>6</sup>

## Notes

- 1 Word inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021/814 art.3(2)(c) (August 1, 2021: insertion has effect subject to savings and transitional provisions specified in SI 2021/814 art.13 and Sch.1)
  - 2 Word revoked by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.6(a)(i) (August 1, 2020: revocation has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
  - 3 Word substituted for punctuation by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.6(a)(ii) (August 1, 2020: substitution has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
  - 4 Word revoked by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(3)(a) (August 31, 2020 at 9.00)
  - 5 Added by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.6(a)(iii) (August 1, 2020: insertion has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
  - 6 Added by Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020/755 art.3(3)(b) (August 31, 2020 at 9.00)
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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse  
> (ClassB) additions etc to the roof of a dwellinghouse > Development not permitted > para. B1*

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## Schedule 2 Permitted development rights para. B2



Law In Force

Version 1 of 1

15 April 2015 - Present

**Subjects**  
Planning

**B.2.**

Development is permitted by Class B subject to the following conditions—

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must 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 is, so far as practicable, not less than 0.2 metres 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; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassB) additions etc to the roof of a dwellinghouse > Conditions > para. B2*

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## Schedule 2 Permitted development rights para. B3



Law In Force

Version 1 of 1

15 April 2015 - Present

**Subjects**  
Planning

**B.3.**

For the purposes of Class B, “*resulting roof space*” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse  
> (ClassB) additions etc to the roof of a dwellinghouse > Interpretation of Class B > para. B3*

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## Schedule 2 Permitted development rights para. B4



Law In Force

Version 2 of 2

1 August 2020 - Present

### Subjects

Planning

[

### B.4.

For the purposes of paragraph B.2(b)(ii)—

- (a) 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; and
- (b) "rear or side extension" includes an original part of, or a subsequent extension of, the dwellinghouse that extends from the rear or side of the principal part of the original dwellinghouse.

]¹

### Notes

- 1 Substituted by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.6(b) (August 1, 2020: substitution has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse  
> (ClassB) additions etc to the roof of a dwellinghouse > Interpretation of Class B > para. B4*

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## Schedule 2 Permitted development rights para. C Permitted development



Law In Force

Version 1 of 1

15 April 2015 - Present

**Subjects**  
Planning

**C. Permitted development**

*Any other alteration to the roof of a dwellinghouse.*

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse  
> (ClassC) other alterations to the roof of a dwellinghouse > para. C Permitted development*

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## Schedule 2 Permitted development rights para. C1 Development not permitted



Law In Force

Version 5 of 5

1 August 2021 - Present

### Subjects

Planning

### C.1. Development not permitted

Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class G, M, MA, N, P, PA or Q of Part 3]<sup>1</sup> of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; [...]<sup>2</sup>
- (d) it would consist of or include—
  - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
  - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment [; or]<sup>3</sup>
- [
- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).
- ]<sup>4</sup>

### Notes

- 1 Word inserted by Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021/814 art.3(2)(d) (August 1, 2021: insertion has effect subject to savings and transitional provisions specified in SI 2021/814 art.13 and Sch.1)
- 2 Word revoked by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.7(a) (August 1, 2020: revocation has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
- 3 Word substituted for punctuation by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.7(b) (August 1, 2020: substitution has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)

## Notes

- 4 Added by Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020/632 Pt 2 reg.7(c) (August 1, 2020: insertion has effect subject to transitional and saving provisions specified in SI 2020/632 reg.27)
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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse  
> (ClassC) other alterations to the roof of a dwellinghouse > para. C1 Development not permitted*

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## Schedule 2 Permitted development rights para. C2 Conditions



Law In Force

Version 1 of 1

15 April 2015 - Present

**Subjects**  
Planning

### C.2. Conditions

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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*Schedule 2 Permitted development rights > Part 1 Development within the curtilage of a dwellinghouse > (ClassC) other alterations to the roof of a dwellinghouse > para. C2 Conditions*

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