STATUTORY INSTRUMENTS

2018 No. 343

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018

Made - - - -	*8th March 2018*
Laid before Parliament	*12th March 2018*
Coming into force - -	*6th April 2018*

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(**1**), makes the following Order:

Citation and commencement

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 and comes into force on 6th April 2018.

Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

2. The Town and Country Planning (General Permitted Development) (England) Order 2015(**2**) is amended as follows.

Amendments to article 2

3. In article 2 (interpretation), paragraph (1)—

(a) in the definition of "building", sub-paragraph (a), after "Class F of Part 2," insert "Classes P and PA of Part 3,"; and

(b) for the definition of "military explosives storage area" substitute—

> ""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

(**1**) 1990 c. 8. Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152 of the Housing and Planning Act 2016 (c. 22).
(**2**) S.I. 2015/596 has been amended by S.I. 2016/332, S.I. 2016/1040, S.I. 2017/391, 2017/619 and S.I. 2018/119.

of State in exercise of powers conferred by article 31(1) of the Procedure Order (or any previous powers to the like effect)(**3**);"

(c) after the definition of "public service vehicle" insert—

""railway undertakers" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation)(**4**);";

(d) after the definition of "terrestrial microwave antenna" insert—

""transport undertakers" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation);".

Prior approval applications: modified procedure in relation to call-in of applications

4. After article 7 insert—

"**Prior approval applications: modified procedure in relation to call-in of applications**

7ZA.—(1) This article applies where the Secretary of State is considering exercising the power under section 77(1) of the Act (reference of applications to Secretary of State) in relation to a prior approval application.

(2) Where this article applies, the Secretary of State must give notice in writing ("the pause notice") to the relevant local planning authority stating that the Secretary of State is considering exercising the power.

(3) Where the Secretary of State decides not to exercise the power the Secretary of State must give notice in writing to the local planning authority to that effect ("the release notice").

(4) Subject to paragraph (5), the local planning authority must take no further action in relation to that prior approval application from the date it receives the pause notice until the day after the date on which—

(a) it receives the release notice; or

(b) the Secretary of State makes a direction under section 77(1) of the Act in relation to the application ("the call-in direction").

(5) Where the local planning authority has not satisfied a consultation and notification provision at the date it receives the pause notice—

(a) such provision continues to apply to the local planning authority whether or not the Secretary of State makes a call-in direction in relation to the prior approval application in question; and

(b) the local planning authority must inform the Secretary of State as soon as they have satisfied that provision.

(6) Where the Secretary of State gives a pause notice, the period—

(a) beginning with the day after the date on which the Secretary of State gives the pause notice; and

(b) ending on the day after the date on which the Secretary of State gives the release notice,

(**3**) 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.

(**4**) There are amendments to section 329 not relevant to this Order.

shall not be counted for the purpose of calculating any time period for decision under article 7.

(7) Where the Secretary of State makes a call-in direction in relation to a prior approval application the provisions of Schedule 2 (except a consultation and notification provision) apply to such an application as if the references to a local planning authority were to the Secretary of State.

(8) Where the Secretary of State makes a call-in direction in relation to a prior approval application any deemed prior approval provision shall have no effect in relation to such an application.

(9) In this article—

"consultation and notification provision" means a provision in Schedule 2 in relation to a prior approval application which requires the local planning authority to—

(a) give notice of a proposed development;

(b) consult in relation to a proposed development; and/or

(c) give notice to consultees;

"deemed prior approval provision" means a provision in Schedule 2 in reliance on which, after the expiry of a time period for decision under article 7 where the application has not been determined, development may begin; and

"prior approval application" has the same meaning as in section 69A(2) of the Act.".

5. In article 7A, paragraph 1(a) for "articles 1 to 7" substitute "articles 1 to 7ZA".

Amendments to Part 3, Classes C, M and N

6. In Class C of Part 3 of Schedule 2—

(a) at the end of paragraph C.(a) for "and" substitute "or";

(b) in paragraph C.(b) before "building or other operations for the provision of facilities for" insert "development referred to in paragraph (a) together with".

7. In Class M of Part 3 of Schedule 2—

(a) at the end of paragraph M.(a) for "and" substitute "or";

(b) in paragraph M.(b) before "building operations reasonably necessary" insert "development referred to in paragraph (a) together with".

8. In Class N of Part 3 of Schedule 2—

(a) at the end of paragraph N.(a) for "and" substitute "or";

(b) in paragraph N.(b) before "building operations reasonably necessary" insert "development referred to in paragraph (a) together with".

Amendments to Part 3, Class P

9. In Class P of Part 3 of Schedule 2—

(a) for paragraph P.1(c) substitute—

"(c) the prior approval date falls on or after 10th June 2019;";

(b) after paragraph P.1(j) insert—

"(k) the development is not completed within a period of 3 years starting with the prior approval date.".

Amendments to Part 3, Class Q

10. In Class Q of Part 3 of Schedule 2 —

(a) at the end of paragraph Q.(a) for "and" substitute "or";

(b) in paragraph Q.(b) before "building operations reasonably necessary" insert "development referred to in paragraph (a) together with";

(c) for paragraphs Q.1.(b) to (h) substitute—

"(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 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 Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(g) 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—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;