STATUTORY INSTRUMENTS

2015 No. 659

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Made - - - -	*11th March 2015*
Laid before Parliament	*12th March 2015*
Coming into force - -	*6th April 2015*

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, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and comes into force on 6th April 2015.

(2) This Order applies in England only.

Amendments to the Town and Country Planning (General Permitted Development) Order 1995

2. The Town and Country Planning (General Permitted Development) Order 1995(**2**) is amended as follows.

Amendments in relation to changes of use

3. In Part 3 of Schedule 2 (changes of use)—

(a) after Class A(**3**) insert—

"**Development not permitted**

A.1. Development is not permitted by Class A during the specified period if the building is a specified building.

(**1**) 1990 c.8. Section 59 was amended by section 1 of, and paragraph 4 of Schedule 1 to, the Growth and Infrastructure Act 2013 (c. 27) and section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013.
(**2**) S.I. 1995/418. Relevant amendments were made by S.I. 2005/85, 2013/1101 and 2013/2147.
(**3**) Class A of Part 3 was substituted by S.I. 2005/85.

Conditions

A.2.—(1) In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order(**4**), development is permitted by Class A subject to the following conditions.

(2) Before beginning the development the developer shall send a written request to the local planning authority as to whether the building has been nominated, which must include—

(a) the address of the building;

(b) the developer's contact address; and

(c) the developer's email address if the developer is content to receive communications electronically.

(3) If the building is nominated, whether at the date of request under paragraph A.2(2) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period.

(4) The development shall not begin before the expiry of a period of 56 days following the date of request under paragraph A.2(2) and must be completed within a period of 1 year of the date of that request.

Interpretation of Class A

A.3. For the purposes of Class A—

"community asset" means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012(**5**);

"list of assets of community value" means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011(**6**);

"nomination" means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and "nominated" is to be interpreted accordingly;

"specified building" means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order —

(a) which is a community asset; or

(b) in respect of which the local planning authority has notified the developer of a nomination under paragraph A.2(3);

"specified period" means—

(a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph

(**4**) Class A4 was inserted into the Schedule to the Use Classes Order by S.I. 2005/84.
(**5**) S.I. 2012/2421.
(**6**) 2011 c.20.

A.2(3), the period from the date of that notification to the date on which the building is entered onto—

(i) a list of assets of community value; or

(ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;

(b) in relation to a building which is a community asset—

(i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or

(ii) where the building was removed from that list—

(aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or

(bb) under section 92(4)(a) of the Localism Act 2011 following the local authority's decision on a review that the land concerned should not have been included in the local authority's list of assets of community value,

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list."

(b) after Class AA(**7**) insert—

"**Development not permitted**

AA.1. Development is not permitted by Class AA during the specified period if the building is a specified building.

Conditions

AA.2. In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is permitted by Class AA subject to the conditions set out in paragraphs A.2(2) to (4).

Interpretation of Class AA

AA.3. For the purposes of Class AA, "community asset", "specified building" and "specified period" have the meaning given in paragraph A.3."; and

(c) after Class C(**8**) insert—

"**Development not permitted**

C.1. Development is not permitted by Class C during the specified period if the building is a specified building.

(**7**) Class AA was inserted into Part 3 by S.I. 2005/85.
(**8**) Class C of Part 3 was amended by S.I. 2005/85.

Conditions

C.2. In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is permitted by Class C subject to the conditions set out in paragraphs A.2(2) to (4).

Interpretation of Class C

C.3. For the purposes of Class C, "community asset", "specified building" and "specified period" have the meaning given in paragraph A.3.".

Amendments in relation to temporary buildings and uses

4. In Part 4 of Schedule 2 (temporary buildings and uses) insert—

(a) in Class C(**9**)—

(i) at the end of paragraph C.1(d), for the full stop substitute a semi-colon and insert—

"(e) the building is a specified building and the development is undertaken during the specified period, regardless of whether any approval or notification has been given in accordance with paragraphs C.2(a) or (b).";

(ii) after paragraph C.2(a) insert—

"(aa) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

(i) before beginning the development the developer shall send a written request to the local planning authority as to whether the building has been nominated, which must include;

(aa) the address of the building;

(bb) the developer's contact address; and

(cc) the developer's email address if the developer is content to receive communications electronically;

(ii) if the building is nominated, whether at the date of request under sub-paragraph (i) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period;

(iii) the development shall not begin before the expiry of a period of 56 days following the date of request under sub-paragraph (i) and must be completed within a period of 1 year of the date of that request;"; and

(iii) in paragraph C.3, insert the following definitions in the appropriate places—

""community asset" means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012(**10**);

(**9**) Class C was inserted into Part 4 by S.I. 2013/1101.
(**10**) S.I. 2012/2421.

"list of assets of community value" means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011(**11**);

"nomination" means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and "nominated" is to be interpreted accordingly;

"specified building" means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

(a) which is a community asset; or

(b) in respect of which the local planning authority has notified the developer of a nomination under paragraph C.2(aa)(ii);

"specified period" means—

(a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph C.2(aa)(ii), the period from the date of that notification to the date on which the building is entered onto—

(i) a list of assets of community value; or

(ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;

(b) in relation to a building which is a community asset—

(i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or

(ii) where the building was removed from that list—

(aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or

(bb) under section 92(4)(a) of the Localism Act 2011 following the local authority's decision on a review that the land concerned should not have been included in the local authority's list of assets of community value,

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list."; and

(b) in Class D(**12**)—

(i) at the end of paragraph D.1(e), for the full stop substitute a semi-colon and insert—

"(f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a).";

(ii) at the end of paragraph D.2(e), for the full stop substitute a semi-colon and insert—

"(f) in the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the

(**11**) 2011 c.20.
(**12**) Class D was inserted into Part 4 by S.I. 2013/1101.