STATUTORY INSTRUMENTS

2015 No. 595

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Development Management Procedure) (England) Order 2015

Made - - - -	*18th March 2015*
Laid before Parliament	*24th March 2015*
Coming into force - -	*15th April 2015*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 55(2A) and (2B), 59, 61(1), 61A(5), 61W, 62, 65, 69, 71, 74, 74A, 77(4), 78, 79(4), 188, 193, 196(4), 293A, 333(4) and (7) of, and paragraphs 5, 6, 7(7) and 8(6) of Schedule 1, and Schedule 4A to, the Town and Country Planning Act 1990 [F1] and, sections 54, 88 and 122(3) of the Planning and Compulsory Purchase Act 2004 [F2].

F1 1990 c. 8; section 55(2A) and (2B) was inserted by section 49(1) of the Planning and Compulsory Purchase Act 2004 (c. 5) ("the 2004 Act"), section 61A(5) was inserted by section 40(1) of the 2004 Act, section 61W was inserted by section 122(1) of the Localism Act 2011 (c. 20) ("the 2011 Act"), section 62 was substituted by section 42(1) of the 2004 Act and amended by paragraph 5 of Schedule 12 to the 2011 Act. Section 65 was substituted by section 16(1) of the Planning and Compensation Act 1991 (c. 34) ("the 1991 Act") and amended by paragraph 35 of the Schedule to the Agricultural Tenancies Act 1995 (c. 8), and paragraph 6 of Schedule 12 to the 2011 Act, section 69 was substituted by section 118 of, and paragraphs 1 and 3 of Schedule 6 to the 2004 Act and amended by section 190 of the Planning Act 2008 (c. 29) ("the 2008 Act") (see section 69(9) for definition of "prescribed") and by paragraph 7 of Schedule 12 to the 2011 Act. Section 71 was amended by section 16(2) of, and paragraph 15 of Schedule 7 to, the 1991 Act (*see* section 71(4) for the definition of "prescribed"), section 74 was amended by sections 19(1) and 84(6) of, and paragraph 17 of Schedule 7 and Part 1 of Schedule 19 to, the 1991 Act and paragraph 9 of Schedule 12 to the 2011 Act, section 74A was inserted by section 29 of the Infrastructure Act 2015 (c. 7), section 77(4) was amended by paragraph 18 of Schedule 7 to the 1991 Act, section 78 was amended by section 17(2) of the 1991 Act, sections 40(2)(e) and 43(2) of the 2004 Act, paragraphs 1 and 3 of Schedule 10 (amendments in force for certain purposes and to come into force for remaining purposes on a date to be appointed, *see*S.I. 2009/400) and paragraphs 1 and 2 of Schedule 11 to the 2008 Act, section 123 of the 2011 Act and paragraph 8 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27) ("the 2013 Act"), section 79(4) was amended by paragraph 19 of Schedule 7 to the 1991 Act, section 188 was amended by section 84 of, paragraph 30 of Schedule 7 to, and Part 1 of Schedule 19 to, the 1991 Act, section 193 was substituted by section 10(1) of the 1991 Act, section 196(4) was amended by paragraph 33 of Schedule 7 to the 1991 Act and section 124(2) of the 2011 Act, section 293A was

inserted by section 82(1) of the 2004 Act, paragraph 6 of Schedule 1 was amended by section 120 of, and Schedule 24 to, the Environment Act 1995 (c. 25), Paragraph 7 of Schedule 1 was substituted by paragraphs 1 and 16 of Schedule 6 to the 2004 Act and amended by paragraph 1 of Schedule 8 to the 2011 Act, Paragraph 8 of Schedule 1 was substituted by paragraph 53 of Schedule 7 to the 1991 Act, and Schedule 4A was inserted by section 40(4) of, and Schedule 1 to, the 2004 Act and amended by sections 188 and 238 of, and Schedule 13 to, the 2008 Act and section 5 of the 2013 Act.

F2 2004 c. 5.

Part 1

Preliminary

Citation, commencement and application

1.—(1) This Order may be cited as the Town and Country Planning (Development Management Procedure) (England) Order 2015 and comes into force on 15th April 2015.

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

(3) This Order applies to all land in England, but where the 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.

(4) Nothing in this Order applies to any permission which is deemed to be granted under section 222 of the 1990 Act (planning permission not needed for advertisements complying with regulations).

[[F3](5) Nothing in this Order applies to an application for permission in principle.**]**

F3 Art. 1(5) inserted (1.6.2018) by The Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (S.I. 2017/1309), art. 1, **Sch. 2 para. 8(2)**

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

"the 1990 Act" means the Town and Country Planning Act 1990;

"the 2004 Act" means the Planning and Compulsory Purchase Act 2004;

[[F4]the 2017 Regulations" means the Town and Country Planning (Environmental Impact Assessment) Regulations 2017;**]**

"access", in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;

"appearance" means the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

"contaminated land" has the same meaning as in Part 2A of the Environmental Protection Act 1990 [F5];

[[F6]"criminal justice accommodation" means—

(a) a prison within the meaning of the Prison Act 1952; or

(b) a place for the detention of young persons within the meaning of section 43 of that Act;**]**

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;

"EIA application", "EIA development", "environmental information" and "environmental statement" have the same meanings respectively as in regulation 2(1) of the **[**[F7]2017**]** Regulations (interpretation);

"electronic communication" has the same meaning as in section 15(1) of the Electronic Communications Act 2000 (general interpretation) [F8];

"flat" 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" has the same meaning as in section 1 of the Flood and Water Management Act 2010 [F9];

"floor space" means the total floor space in a building or buildings;

[[F10]"health service hospital" means a hospital vested in—

(a) an NHS body within the meaning of paragraph 7(4) of Schedule 3 to the Care Act 2014; or

(b) the Secretary of State for the purpose of his functions under the National Health Services Act 2006;

"hospital" means—

(a) an institution for the reception and treatment of persons suffering from illness;

(b) a maternity home; or

(c) an institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation,

and includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution;**]**

"householder application" means—

(a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

but does not include an application for change of use or an application to change the number of dwellings in a building;

[[F11]"illness" includes mental disorder within the meaning of the Mental Health Act 1983 and any injury or disability requiring medical or dental treatment or nursing;**]**

"infrastructure manager" means any person who in relation to relevant railway land—

(a) is responsible for developing or maintaining the land; or

(b) manages or uses the land, or permits the land to be used for the operation of a railway;

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;

"layout" means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;

"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) [F12];

"major development" means development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where—

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

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

"minor commercial application" means—

(a) an application for planning permission for development of an existing building or part of a building currently in use for any of the purposes falling within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 [F13], or

(b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development,

where such an application does not include a change of use, a change to the number of units in a building, or development that is not wholly at ground floor level or that would increase the gross internal area of a building,

"outline planning permission" means a planning permission for the erection of a building, which is granted subject to a condition requiring the subsequent approval of the local planning authority with respect to one or more reserved matters;

"the Permitted Development Order" means Town and Country Planning (General Permitted Development) Order 2015 [F14];

"planning obligation" means an obligation entered into by agreement or otherwise by any person interested in land pursuant to section 106 of the 1990 Act (planning obligations) [F15];

"proposed highway" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation) [F16];

[[F17]"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;**]**

[[F18]"public service infrastructure development" means major development, which is not EIA development, where the main purpose of the development is—

(a) the provision of—

(i) a health service hospital;

(ii) a school or institution within the further education sector; or

(iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992; or

(iv) criminal justice accommodation; or

(b) works for the extension or alteration of—

(i) a health service hospital;

(ii) a school or institution within the further education sector; or

(iii) an institution within the higher education sector within the meaning of section 91(5) of the Further and Higher Education Act 1992; or

(iv) criminal justice accommodation; **]**

[[F19]"qualifying European site" means—

(a) a European offshore marine site within the meaning of regulation 18 of the Conservation of Offshore Marine Habitats and Species Regulations 2017; or

(b) a European site within the meaning of regulation 8(1) of **[**[F20]the Conservation of Habitats and Species Regulations 2017**]**;**]**

"relevant railway land" means land—

(a) forming part of any operational railway; or

(b) which is authorised to be used for the purposes of an operational railway under—

(i) a planning permission granted or deemed to be granted,

(ii) a development consent granted by an order made under the Planning Act 2008 [F21], or

(iii) an Act of Parliament,

including viaducts, tunnels, retaining walls, sidings, shafts, bridges, or other structures used in connection with an operational railway and excluding car parks, offices, shops, hotels or any other land which, by its nature or situation, is comparable with land in general rather than land which is used for the purpose of an operational railway;

"reserved matters" in relation to an outline planning permission, or an application for such permission, means any of the following matters in respect of which details have not been given in the application—

(a) access;

(b) appearance;

(c) landscaping;

(d) layout; and

(e) scale;

"scale" except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings;