
STATUTORY INSTRUMENTS

2020 No. 412

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020

<i>Made</i>	- - - -	<i>7th April 2020</i>
<i>Laid before Parliament</i>		<i>8th April 2020</i> <i>at 10.00 a.m. on 9th</i>
<i>Coming into force</i>	- -	<i>April 2020</i>

The Secretary of State, in exercise of the powers conferred by sections 59, 60(1) and 61(1) 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) (Coronavirus) (England) (Amendment) Order 2020 and comes into force at 10.00 a.m. on 9th April 2020.

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 in accordance with article 3.

3. In Schedule 2, after Part 12 insert—

(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, which has been amended by S.I. 2016/332, S.I. 2016/1040, S.I. 2017/391, S.I. 2017/619, S.I. 2018/119, S.I. 2018/343, S.I. 2019/907 and S.I. 2020/330.

“PART 12A

Development by Local Authorities and Health Service Bodies

Class A

Emergency development by a local authority or health service body

Permitted development

A. Development by or on behalf of a local authority⁽³⁾ or health service body on land owned, leased, occupied or maintained by it for the purposes of—

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or
- (c) taking other action in connection with an emergency.

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) any part of the development is on land which is, or forms part of—
 - (ii) a military explosive storage area;
 - (iii) a site of special scientific interest;
- (b) the land or building is, or contains, a scheduled monument;
- (c) any part of the development would be carried out within 5 metres of any boundary of the curtilage of a dwellinghouse;
- (d) the height of any new building exceeds—
 - (i) a height of 6 metres above ground where any part of the new building is within 10 metres of any boundary of the land; or
 - (ii) the height of the highest part of the roof of the original building, or a height of 18 metres above the ground, whichever is the greater;
- (e) the height of any building enlarged, improved or altered exceeds—
 - (i) the height of the highest part of the roof of the original building, or a height of 6 metres above the ground, whichever is the greater, where any part of the enlarged, improved or altered building is within 10 metres of any boundary of the curtilage of the original building; or
 - (ii) the height of the highest part of the roof of the original building, or a height of 18 metres above the ground, whichever is the greater; or
- (f) any moveable structure, works, plant or machinery required temporarily and in connection with and for the duration of the development would be located in a position—
 - (i) within 10 metres of any boundary of the curtilage of a dwellinghouse, or
 - (ii) within 5 metres of any boundary of the land.

Conditions

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

(3) See section 336(1) of the Town and Country Planning Act 1990 for the definition of “local authority”.

- (a) if the developer is not the local planning authority, the developer must, as soon as practicable after commencing development, notify the local planning authority of the development;
- (b) any use of the land for the purposes of Class A ceases on or before 31st December 2020; and
- (c) on or before the expiry of a period of 12 months beginning with the date on which the use of the land ceases for the purpose of Class A—
 - (i) any building, works, plant, machinery, structure and erection permitted by Class A is removed; and
 - (ii) the land is restored to its condition before the development took place, or, if the developer is not also the local planning authority, to such other state as may be agreed in writing between the local planning authority and the developer.

Interpretation of Class A

A.3—

- (1) For the purposes of Class A—

“emergency” means an event or situation which threatens serious damage to human welfare in a place in the United Kingdom;

“health service body” means—

- (a) the National Health Service Commissioning Board;
- (b) the Care Quality Commission⁽⁴⁾;
- (c) a clinical commissioning group established under section 14D of the National Health Service Act 2006⁽⁵⁾;
- (d) Health Education England⁽⁶⁾;
- (e) the Health Research Authority⁽⁷⁾;
- (f) the Health and Social Care Information Centre⁽⁸⁾;
- (g) the Human Fertilisation and Embryology Authority⁽⁹⁾;
- (h) the Human Tissue Authority⁽¹⁰⁾;
- (i) Monitor⁽¹¹⁾;
- (j) the National Institute for Health and Care Excellence⁽¹²⁾;
- (k) a Special Health Authority established under section 28 of that Act⁽¹³⁾;
- (l) an NHS trust in England as defined in section 25 of that Act;
- (m) an NHS foundation trust in England, as referred to in section 30(1) of that Act⁽¹⁴⁾;

⁽⁴⁾ The Care Quality Commission was established by section 1 of the Social Care Act 2008 (c. 14).

⁽⁵⁾ 2006 c.41.

⁽⁶⁾ Health Education England was established by section 96 of the Care Act 2014 (c. 23).

⁽⁷⁾ The Health Research Authority was established by section 109 of the Care Act 2014.

⁽⁸⁾ The Health and Social Care Information Centre was established by section 252 of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”).

⁽⁹⁾ The Human Fertilisation and Embryology Authority was established by section 5 of the Human Fertilisation and Embryology Act 1990 (c.37).

⁽¹⁰⁾ The Human Tissue Authority was established by section 13 of the Human Tissue Act 2004 (c.30).

⁽¹¹⁾ Monitor was established by section 61 of the Health and Social Care Act 2012.

⁽¹²⁾ The National Institute for Health and Care Excellence was established by section 232 of the 2012 Act.

⁽¹³⁾ Section 28 was amended by paragraph 13 of Part 2 of Schedule 4 to the Health and Social Care 2012 (c. 14).

⁽¹⁴⁾ Section 30 was amended by section 159(1) of the 2012 Act.

- (n) a company formed under section 223 of that Act⁽¹⁵⁾ and wholly owned by the Secretary of State.
- (2) For the purposes of paragraph (1), an event or situation threatens serious damage to human welfare only if it involves, causes or may cause—
- (a) loss of human life;
 - (b) human illness or injury;
 - (c) homelessness;
 - (d) damage to property;
 - (e) disruption of a supply of money, food, water, energy, or fuel;
 - (f) disruption of a system of communication;
 - (g) disruption of facilities for transport; or
 - (h) disruption of services relating to health.
- (3) For the purposes of Class A, where 2 or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement.”.

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

Christopher Pincher
Minister of State
Ministry of Housing, Communities and Local
Government

7th April 2020

(15) Section 223 was amended by paragraph 117(1) of the 2012 Act and S.I. 2009/1941.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GDPO”) (S.I. 2015/596).

Article 3 inserts a new Part 12A and permitted development right into Schedule 2 to the GDPO. This will allow local authorities and certain health service bodies to carry out development for the purposes of—

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or
- (c) taking other action in connection with an emergency.

For these purposes, an emergency is an event or situation which threatens serious damage to human welfare in a place in the United Kingdom.

The development permitted is subject to conditions which are also set out in the new Part 12A.

An impact assessment has not been prepared for this Order.