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STATUTORY INSTRUMENTS

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**2020 No. 632**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Town and Country Planning (Permitted  
Development and Miscellaneous Amendments)  
(England) (Coronavirus) Regulations 2020

*Made* - - - - 23rd June 2020  
*Laid before Parliament* 24th June 2020  
*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by sections 59, 60, 61, 74(1), 108(2A), (3C), (5) and (6), 220 and 333(1) and (7) of the Town and Country Planning Act 1990<sup>(1)</sup>, makes the following Regulations.

PART 1

Introduction

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020.

(2) Subject to paragraph 3 these Regulations come into force on 1st August 2020.

(3) Regulations 20 and 21 come into force on 25th June 2020.

(4) In these Regulations “the 2015 Order” means the Town and Country Planning (General Permitted Development) (England) Order 2015<sup>(2)</sup>.

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(1) 1990 c. 8. Amendments have been made to section 59 which are not relevant to these Regulations. 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). Sections 108(2A), (5) and (6) were inserted by the Planning Act 2008 (c. 29). Section 108(3C) was inserted by the Planning Act 2008 (c. 29) and amendments have been made by the Housing and Planning Act 2016 (c.22). Amendments have been made to sections 74, 220 and 333 which are not relevant to these Regulations.

(2) S.I. 2015/596, which has been amended by S.I. 2016/332, 2016/765, 2016/1040, 2016/1154, 2017/391, 2017/619, 2017/1011, 2018/119, 2018/343, 2019/907, 2020/330 and 2020/412.

## PART 2

### Amendments to the 2015 Order

#### Amendments to the 2015 Order

2. The 2015 Order is amended in accordance with regulations 3 to 22.

#### Amendments to article 2

3. In article 2(1)—
  - (a) for the definition of “dwellinghouse” substitute—

““dwellinghouse”, except in Part 3 (changes of use), 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;”;
  - (b) in the definition of “flat” after “except” insert “in Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order or”.

#### Amendment to article 7

4. In article 7 for paragraph (c) substitute—

“(c) within such longer period than is referred to in paragraph (a) or (b) as may be agreed by the applicant and the authority in writing.”.

#### Amendments to Part 1, Class A

5. In Class A of Part 1 of Schedule 2—
  - (a) in paragraph A.1.—
    - (i) at the end of sub-paragraph (j)(iii) omit “or”;
    - (ii) at the end of sub-paragraph (k) for “.” substitute “; or”;
    - (iii) after sub-paragraph (k) insert—

“(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”;
  - (b) in paragraph A.4.(2) after sub-paragraph (e) insert—

“together with any fee required to be paid.”.

#### Amendments to Part 1, Class B

6. In Class B of Part 1 of Schedule 2—
  - (a) in paragraph B.1.—
    - (i) at the end of sub-paragraph (e) omit “or”;
    - (ii) at the end of sub-paragraph (f) for “.” substitute “; or”;
    - (iii) after paragraph (f) insert—

“(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”;
  - (b) for paragraph B.4. substitute—

“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.”.

#### **Amendments to Part 1, Class C**

7. In Class C of Part 1 of Schedule 2, in paragraph C.1.—

- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) for “.” substitute “; or”;
- (c) after sub-paragraph (d) insert—
  - “(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

#### **Amendment to Part 1, Class D**

8. In Class D of Part 1 of Schedule 2, in paragraph D.1.—

- (a) at the end of sub-paragraph (c) omit “or”;
- (b) at the end of sub-paragraph (d) for “.” substitute “; or”;
- (c) after sub-paragraph (d) insert—
  - “(e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

#### **Amendments to Part 1, Class E**

9. In Class E of Part 1 of Schedule 2, in paragraph E.1.—

- (a) at the end of sub-paragraph (i) omit “or”;
- (b) at the end of sub-paragraph (j) for “.” substitute “; or”;
- (c) after sub-paragraph (j) insert—
  - “(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

#### **Amendment to Part 1, Class F**

10. In Class F to Part 1 of Schedule 2, for class F.1. substitute—

“Development is not permitted by Class F if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use); or
- (b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

#### **Amendments to Part 1, Class G**

11. In Class G of Part 1 of Schedule 2, in paragraph G.1.—

- (a) omit “or” at the end of sub-paragraph (b);
- (b) at the end of sub-paragraph (c) for “.” substitute “; or”;
- (c) after sub-paragraph (c) insert—
  - “(d) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

#### **Amendments to Part 1, Class H**

- 12.** In Class H of Part 1 of Schedule 2, in paragraph H.1.—
- (a) at the end of sub-paragraph (d) omit “or”;
  - (b) at the end of sub-paragraph (e) for “.” substitute “; or”;
  - (c) after sub-paragraph (e) insert—
    - “(f) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).”.

#### **Amendments to Part 3, Class M**

- 13.** In Class M of Part 3 of Schedule 2 in paragraph M.2—
- (a) at the end of sub-paragraph (1)(d)(ii) omit “and”;
  - (b) at the end of sub-paragraph (1)(e) insert “, and”;
  - (c) after sub-paragraph (1)(e) insert—
    - “(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,”;
  - (d) in sub-paragraph (2) after “sub-paragraphs (1)(a) to (d)” insert “and (f),”.

#### **Amendments to Part 3, Class N**

- 14.** In Class N of Part 3 of Schedule 2 in paragraph N.2—
- (a) at the end of sub-paragraph (1)(c) omit “and”;
  - (b) at the end of sub-paragraph (1)(d) insert “, and”;
  - (c) after sub-paragraph (1)(d) insert—
    - “(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses,”;
  - (d) in sub-paragraph (2) after “sub-paragraphs (1)(a) to (c)” insert “and (e),”.

#### **Amendments to Part 3, Class O**

- 15.** In Class O of Part 3 of Schedule 2 in paragraph O.2—
- (a) at the end of sub-paragraph (1)(c) omit “and”;
  - (b) at the end of sub-paragraph (1)(d) insert “, and”;
  - (c) after sub-paragraph (1)(d) insert—
    - “(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.”.

#### **Amendment to Part 3, Class PA**

- 16.** In Class PA of Part 3 of Schedule 2 in paragraph PA.2, after sub-paragraph (1)(b)(iv) insert—

“(v) the provision of adequate natural light in all habitable rooms of the dwellinghouses.”.

**Amendment to Part 3, Class Q**

17. In Class Q of Part 3 of Schedule 2 in paragraph Q.2—

- (a) at the end of sub-paragraph (1)(e) omit “and”;
- (b) at the end of sub-paragraph (1)(f) insert “, and”;
- (c) after sub-paragraph (1)(f) insert—
  - “(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.”;
- (d) in sub-paragraph (2) after “sub-paragraphs (1)(a) to (e)” insert “and (g)”.

**Amendment to Part 3, paragraph W**

18. In paragraph W of Part 3 of Schedule 2—

- (a) after sub-paragraph (2)(bb) insert—
  - “(bc) in relation to development proposed under Class M, N, O, PA or Q of this Part, a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses.”;
- (b) after sub-paragraph (2) insert—
  - “(2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.”.
- (c) in sub-paragraph (3) after “any conditions” insert—
  - “except for conditions in paragraph M.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g)”.

**Amendment to Part 3, paragraph X**

19. In paragraph X of Part 3 of Schedule 2 after the definition of “established agricultural unit” insert—

““habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.”.

**Amendments in relation to Part 4**

20. After Class B, insert—

## **“Class BA**

*additional temporary use of land during the relevant period*

### **BA. Permitted development**

The use of any land, in addition to that permitted by Class B of Part 4 of Schedule 2, for any purposes for not more than 28 days in total during the relevant period, of which no more than 14 days in total may be for the purposes of—

- (a) the holding of a market;
- (b) motor car and motorcycle racing including trials of speed, and practising for these activities,

and the provision on the land of any moveable structure for the purposes of the permitted use.

### **BA.1. Development not permitted**

Development is not permitted by Class BA if—

- (a) the land in question is a building or is within the curtilage of a listed building;
- (b) the use of the land is for a caravan site;
- (c) the land is, or is within, a site of special scientific interest and the use of the land is for—
  - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;
  - (ii) clay pigeon shooting; or
  - (iii) any war game, or
- (d) the use of the land is for the display of an advertisement.

### **BA.2 Interpretation of Class BA**

For the purposes of Class BA—

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class B of Part 4, or Class BA of Part 12, of this Schedule; and

“the relevant period” means 1st July 2020 to 31st December 2020.”.

## **Amendments in relation to Part 12**

**21.** After paragraph B.1. of Part 12 of Schedule 2 insert—

### **“Class BA**

*holding of a market by or on behalf of a local authority*

### **BA. Permitted development**

BA. The use of any land for the purposes of holding a market by or on behalf of a local authority and the provision on the land of any moveable structure for the permitted use at any time during the period beginning with 25th June 2020 and ending with 23rd March 2021.

### **Development not permitted**

BA.1. Development is not permitted by Class BA if the land is, or is within, a site of special scientific interest.”.

### **Amendments in relation to the construction of new dwellinghouses**

22. After Part 19 of Schedule 2 insert—

## **“PART 20**

### **Construction of New Dwellinghouses**

#### **Class A**

*New dwellinghouses on detached blocks of flats*

#### **Permitted development**

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access and egress to the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

#### **Development not permitted**

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

- (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;
- (b) above ground level, the building is less than 3 storeys in height;
- (c) the building was constructed before 1st July 1948, or after 5th March 2018;
- (d) the additional storeys are constructed other than on the principal part of the building;
- (e) the floor to ceiling height of any additional storey is—
  - (i) more than 3 metres in height; or
  - (ii) more than the floor to ceiling height of any of the existing storeys, whichever is the lesser, where such heights are measured internally;
- (f) the new dwellinghouses are not flats;
- (g) the overall height of the roof of the extended building would be greater than 7 metres higher than the highest part of the existing roof (not including existing plant);
- (h) the extended building (not including plant) would be greater than 30 metres in height;

- (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
- (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—
  - (i) strengthen existing walls;
  - (ii) strengthen existing foundations; or
  - (iii) install or replace water, drainage, electricity, gas or other services;
- (k) in the case of Class A.(b) development there is no existing plant on the building;
- (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
- (m) development under Class A.(c) would extend beyond the curtilage of the existing building;
- (n) development under Class A.(d) would—
  - (i) extend beyond the curtilage of the existing building;
  - (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or
  - (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;
- (o) the land or site on which the building is located, is or forms part of—
  - (i) article 2(3) land;
  - (ii) a site of special scientific interest;
  - (iii) a listed building or land within its curtilage;
  - (iv) a scheduled monument or land within its curtilage;
  - (v) a safety hazard area;
  - (vi) a military explosives storage area; or
  - (vii) land within 3 kilometres of the perimeter of an aerodrome.

### **Conditions**

#### **A.2.—**

(1) Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to—

- (a) transport and highways impacts of the development;
- (b) air traffic and defence asset impacts of the development;
- (c) contamination risks in relation to the building;
- (d) flooding risks in relation to the building;
- (e) the external appearance of the building;
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light; and



(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State,  
and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

(2) Any development under Class A is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(3) Any development under Class A is permitted subject to the condition that 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 occupiers of the building and adjoining owners or occupiers will be mitigated.

(4) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(5) The notification referred to in sub-paragraph (4) must be in writing and must include—

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(6) Any new dwellinghouse created under Class A is to remain in use 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.

### **Procedure for applications for prior approval under Part 20**

B.—

(1) The following provisions apply where under this Part, a developer is required to make an application to a local planning authority for prior approval.

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which, in relation to development proposed under Class A, must include details of any dwellinghouse and other works proposed under paragraphs A.(a) to (d);
- (b) a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development;
- (c) floor plans which are drawn to an identified scale and show the direction of North indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the existing and proposed elevations of the building;
- (d) a written statement specifying the number of new dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the building immediately prior to development;
- (e) a list of all addresses of the flats within the existing block of flats;
- (f) the developer's contact address;
- (g) the developer's email address if the developer is content to receive communications electronically; and

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(3) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/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.

(h) where sub-paragraph (6) requires the Environment Agency<sup>(4)</sup> to be consulted, a site-specific flood risk assessment, together with any fee required to be paid.

(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,

any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (10) and (12) 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>(5)</sup> such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency<sup>(6)</sup> where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) 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.

(8) 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.

(9) Where the application relates to prior approval as to natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

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(4) A body established under section 1 of the Environment Act 1995 (c.25).

(5) This term is defined in article 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596), which has been amended by S.I. 2016/332, 2016/765, 2016/1040, 2016/1154, 2017/391, 2017/619, 2017/1011, 2018/119, 2018/343, 2019/907, 2020/330 and 2020/412.

(6) A body established under section 1 of the Environment Act 1995 (c.25).

(10) 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(7) issued by the Secretary of State.

(11) The local planning authority must notify the consultees referred to in sub-paragraphs (5), (6), (7) and (10) specifying the date by which they must respond, being not less than 21 days from the date the notice is given.

(12) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

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

(iii) specifies the date by which representations are to be received by the local planning authority;

(b) by serving a notice in that form on all owners and occupiers of the flats within existing block of flats; and

(c) by serving a notice in that form on any adjoining owner or occupier.

(13) When computing the number of days in sub-paragraphs (11) and (12)(a), any day which is a public holiday must be disregarded.

(14) 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 February 2019(8); or

(c) details of proposed building or other operations.

(15) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraph (5), (6), (7) or (10) and any notice given under sub-paragraph (12);

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site—

(i) determine whether, as a result of the proposed development, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(9), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(10), and

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(7) <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/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.

(8) <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.

(9) 1990 c. 43. Part 2A was inserted by section 57 of the Environment Act 1995 (c.25).

(10) [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/223705/pb13735cont-land-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf)

(ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(16) The development must not begin before the receipt by the applicant from the local planning authority of a written notice giving their prior approval.

(17) The development must be carried out in accordance with the details approved by the local planning authority.

(18) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

### **Interpretation of Part 20**

C. For the purposes of Part 20—

“block of flats” means a building which is divided horizontally and consists of separate and self-contained premises constructed for use for the purposes of a dwellinghouse, and any ancillary facilities constructed solely for use by occupiers of the building;

“defence asset” is 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>(11)</sup>;

“detached” means that the building does not share a party wall with a neighbouring building;

“flat” means a separate and self-contained premises constructed for use for the purposes of a dwellinghouse;

“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

“principal part” means the main part of the building excluding any front, side or rear extension of a lower height, whether this forms part of the original building or a subsequent addition;

“purpose-built” means a building that was built as and remains as a block of flats; and

“technical sites” has the same meaning as in Annexe 1 of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002<sup>(12)</sup>.”.

## **PART 3**

### **Amendments to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007**

**23.** The Town and Country Planning (Control of Advertisements) (England) Regulations 2007<sup>(13)</sup> are amended in accordance with regulation 24.

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<sup>(11)</sup> 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.

<sup>(12)</sup> 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.

<sup>(13)</sup> [S.I. 2007/783](#), which has been amended by [S.I. 2019/907](#).

24. In Part 2 of Schedule 3, in paragraph 1(1)—

(a) after the definition of “business premises” insert—

““electronic communications apparatus” means apparatus falling within the definition of that term in paragraph 5 of the electronic communications code set out in Schedule 3A to the Communications Act 2003(14);

“electronic communications service” means a service falling within the definition of that term in section 32(2) of the Communications Act 2003;”;

(b) after the definition of “retail park” insert—

““telephone kiosk” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator.”.

## PART 4

### Amendments to the Town and Country Planning (Compensation) (England) Regulations 2015

25. The Town and Country Planning (Compensation) (England) Regulations 2015(15) are amended in accordance with regulation 26.

26. In regulation 2—

(a) omit “and” at the end of sub-paragraph (f);

(b) at the end of sub-paragraph (g) for “.” substitute “; and”;

(c) at the end of sub-paragraph (g) insert —

“(h) Part 20 (construction of new dwellinghouses).”.

## PART 5

### Transitional and saving provisions

27. Where a prior approval event occurs, the planning permission granted by Class M, N, O, PA or Q of Part 3 of Schedule 2 to the 2015 Order continues to have effect as if the amendments made by Part 2 of these Regulations had not been made.

(1) In this regulation—

“prior approval application” has the same meaning as in section 69A(2) of the Town and Country Planning Act 1990(16);

“prior approval event” means—

(a) the giving of prior approval in relation to matters in paragraph M.2 of Class M, paragraph N.2 of Class N, paragraph O.2 of Class O, paragraph PA.2 of Class PA or paragraph Q.2 of Class Q of Part 3 of Schedule 2 to the 2015 Order—

(i) before 1st August 2020;

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(14) 2003 c. 21. Schedule 3A was inserted by the Digital Economy Act 2017 (c. 30).

(15) S.I. 2015/598 which has been amended by S.I. 2016/331, S.I. 2017/392, S.I. 2017/402, S.I. 2017/620 and S.I. 2019/907.

(16) 1990 c. 8. Section 69A(2) was inserted by section 17 of the Neighbourhood Planning Act 2017 (c. 20).

- (ii) on or after 1st August 2020 where the prior approval application was submitted to the local planning authority before 1st August 2020;
- (iii) on or after 1st August 2020 in relation to an appeal which was lodged under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of notice of refusal of a prior approval application submitted before 1st August 2020;
- (b) a determination, in writing, that prior approval is not required to be given in relation to matters in paragraph M.2 of Class M, paragraph N.2 of Class N, paragraph O.2 of Class O, paragraph PA.2 of Class PA or paragraph Q.2 of Class Q of Part 3 of Schedule 2 to the 2015 Order—
  - (i) before 1st August 2020;
  - (ii) on or after 1st August 2020 where the prior approval application in accordance with paragraph W of Part 3 of Schedule 2 to the 2015 Order was submitted to the local planning authority before 1st August 2020; or
- (c) the expiry of 56 days beginning with the date on which the local planning authority received the prior approval application in relation to development proposed in Class M, N, O, PA or Q in accordance with paragraph W of Part 3 of Schedule 2 to the 2015 Order without the local planning authority notifying the applicant, in writing, of their determination as to whether or not such approval is required—
  - (i) before 1st August 2020; or
  - (ii) on or after 1st August 2020 where the prior approval application was submitted before 1st August 2020.

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

23rd June 2020

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 2 of these Regulations amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”) ([S.I. 2015/596](#)).

Regulation 3 amends the definitions of “dwellinghouse” and “flat” in article 2 of the 2015 Order.

Regulation 4 provides that an applicant and authority can agree to a longer period for determination of prior approval applications whether such applications are subject to a time period specified in Schedule 2 of the 2015 Order, or applications are subject to a time period of 8 weeks.

Regulation 5 provides that developments permitted by Class A of Part 1 of Schedule 2 to the 2015 Order are subject to a prior approval fee. The level of fee is set out in regulation 14(1)(zab) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 ([S.I. 2012/2920](#)). This regulation also introduces a new limitation that this right cannot be used by a dwellinghouse built under the new Part 20 to Schedule 2 to the 2015 Order introduced by regulation 22 of these Regulations.

Regulation 6 amends Class B of Part 1 of Schedule 2 to the 2015 Order to elucidate what is not considered to be enlargement and the meaning of a “rear or side extension” for the purposes of interpreting development permitted by Class B. This regulation also introduces a new limitation that this right cannot be used by a dwellinghouse built under the new Part 20 to Schedule 2 to the 2015 Order introduced by regulation 22 of these Regulations.

Regulations 7 to 12 amend Class C, D, E, F, G and H of Part 1 of Schedule 2 to the 2015 Order to introduce a new limitation that these rights cannot be used by a dwellinghouse built under the new Part 20 to Schedule 2 to the 2015 Order introduced by regulation 22 of these Regulations.

Regulation 13 amends Class M of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from retail, hot food takeaway or specified sui generis uses to a dwellinghouse.

Regulation 14 amends Class N of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from specified sui generis uses to a dwellinghouse.

Regulation 15 amends Class O of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from office to dwellinghouse.

Regulation 16 amends Class PA of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from light industrial use to dwellinghouse.

Regulation 17 amends Class Q of Part 3 of Schedule 2 to the 2015 Order to add to the conditions of prior approval, that the local planning authority must also consider the provision of adequate natural light to all habitable rooms by the proposed change of use from agricultural building to dwellinghouse.

Regulation 18 amends paragraph W of Part 3 of Schedule 2 to the 2015 Order to add to the prior approval procedure relating to development under Classes M, N, O, PA and Q that applicants must submit floor plans indicating dimensions and proposed use of each room, the position and dimension

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of windows, doors and walls, and elevations of the proposed dwellinghouses. Regulation 12 also adds to the prior approval procedure for development to which an application for prior approval relates to natural light, that the local planning authority must refuse prior approval if adequate natural light is not provided in all habitable rooms in the proposed development.

Regulation 19 amends paragraph X of Part 3 of Schedule 2 to the 2015 Order to insert a definition of “habitable rooms” for the purposes of interpreting development permitted by Part 3.

Regulation 20 inserts a time limited right, Class BA (additional temporary use of land during the relevant period) of Part 4 of Schedule 2 to the 2015 Order, to provide between 1st July 2020 and 31st December 2020 an additional period of 28 days for a temporary use of land or an additional 14 days for the holding of a market or motor car and motorcycle racing including trials of speed, and practising for these activities.

Regulation 21 inserts a time limited right that will cease to have effect on 23rd March 2021, Class BA (the holding of a market by or on behalf of a local authority) into Part 12 of Schedule 2 to the 2015 Order to introduce a new permitted development right allowing for the holding of a market by or on behalf of a local authority during the relevant period from the coming into force of this Regulation until 23rd March 2021.

Regulation 22 inserts Part 20 into Schedule 2 to the 2015 Order to introduce a new permitted development right, Class A allowing for the construction of additional dwellinghouses. The new permitted development right allows work for the construction of up to 2 storeys to create new flats on the topmost residential storey of a building which is an existing purpose-built, detached block of flats. The new permitted development right contains limitations and conditions on how it will operate. The date, 1st July 1948, referred to in the new rights reflects the date when the Town and Country Planning Act 1947 came into force granting planning title to all pre-existing buildings and uses. The date, 5th March 2018 referred to in the new right reflects the date of the Secretary of State’s oral statement when it was announced that the government would consult on the right to build upwards. A copy of the oral statement can be found here: <https://hansard.parliament.uk/commons/2018-03-05/debates/A38CAC61-3011-45DC-B70C-EE85EA12C914/NationalPlanningPolicyFramework>.

Regulation 24 of Part 3 of these Regulations amends the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783) by re-inserting the definitions of “electronic communications apparatus”, “electronic communications service” and “telephone kiosk” into the interpretation paragraph of Part 2 of Schedule 3.

Regulation 26 of Part 4 of these Regulations amends the Town and Country Planning (Compensation) (England) Regulations 2015 (S.I. 2015/598) (“the Compensation Regulations”) by the addition of Part 20 of Schedule 2 to the 2015 Order into the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the Compensation Regulations. The effect of this regulation is that if a local planning authority withdraws the new permitted development right by issuing a direction under article 4 of the 2015 Order, compensation is only payable in respect of planning applications made within 12 months beginning on the date that the direction took effect. The Compensation Regulations also allow local planning authorities to avoid compensation liability on withdrawal of the new permitted development right by publicising their intention to make an article 4 direction at least 1 year, and not more than 2 years, ahead of the article 4 direction taking effect.

Regulation 27 of Part 5 of these Regulations makes transitional and savings provisions.

A copy of the Secretary of State’s directions on protected views may be viewed online at <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/london-view-management> or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the National Planning Policy Framework may be viewed online at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> or a copy may be inspected at the



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Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 may be viewed online at <https://www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas/the-town-and-country-planning-safeguarded-aerodromes-technical-sites-and-military-explosives-storage-areas-direction-2002> or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A copy of the Contaminated Land Statutory Guidance may be viewed online at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/223705/pb13735cont-land-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf) or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector will be published at [www.legislation.gov.uk](http://www.legislation.gov.uk) or copies may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street London, SW1P 4DF.