
STATUTORY INSTRUMENTS

2021 No. 814

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021

Amendments to Part 20 of Schedule 2

9.—(1) Part 20 (construction of new dwellinghouses) of Schedule 2 is amended as follows.

(2) In sub-paragraph (1) of paragraph A.2 (conditions) of Class A (new dwellinghouses on detached blocks of flats)—

(a) at the end of paragraph (h) omit “and”;

(b) in the end of paragraph (i) insert—

“; and

(j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”.

(3) In paragraph B (procedure for applications for prior approval under Part 20)—

(a) for paragraph (h) of sub-paragraph (2) substitute—

“(h) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development;”;

(b) after sub-paragraph (6) insert—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(c) in sub-paragraph (11), after “(6),” insert “(6A),”.

(4) In paragraph C (interpretation of Part 20), after sub-paragraph (2) insert—

“(3) In Part 20, development meets the fire risk condition if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015(1).”

(5) In Class AA (new dwellinghouses on detached buildings in commercial or mixed use)—

(a) in sub-paragraph (2) of paragraph AA (permitted development)—

(i) in paragraph (a), for “the Use Classes Order” substitute “the 1987 Order”;

- (ii) in paragraph (b)(ii), for “the Use Classes Order” substitute “the 1987 Order”;
- (b) after sub-paragraph (2), insert—
 - “(3) In relation to Class AA, “the 1987 Order” means the Use Classes Order as in force on 5th March 2018.”;
- (c) in sub-paragraph (1) of paragraph AA.2 (conditions)—
 - (i) at the end of paragraph (j) omit “and”;
 - (ii) at the end of paragraph (k) insert—
 - “; and
 - (l) where the development meets the fire risk condition (see paragraph C(3) of this Part), the fire safety impacts on the intended occupants of the building”.
- (6) In Class AB (new dwellinghouses on terrace buildings in commercial or mixed use)—
 - (a) in sub-paragraph (2) of paragraph AB (permitted development)—
 - (i) in paragraph (a), for “the Use Classes Order” substitute “the 1987 Order”;
 - (ii) in paragraph (b)(ii), for “the Use Classes Order” substitute “the 1987 Order”;
 - (b) after sub-paragraph (3), insert—
 - “(4) In relation to Class AB, “the 1987 Order” means the Use Classes Order as in force on 5th March 2018.”.