
STATUTORY INSTRUMENTS

1995 No. 418

The Town and Country Planning (General Permitted Development) Order 1995

Permitted development

3.—(1) Subject to the provisions of this Order and regulations 60 to 63 of the Conservation (Natural Habitats, & c.) Regulations 1994⁽¹⁾ (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in the following provisions of this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 shall not apply if—

- (a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
- (b) in the case of permission granted in connection with an existing use, that use is unlawful.

(6) The permission granted by Schedule 2 shall not, except in relation to development permitted by Parts 9, 11, 13 or 30, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(7) Any development falling within Part 11 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval shall not be treated for the purposes of this Order as authorised unless and until that consent or approval is obtained, except where the Act was passed or the order made after 1st July 1948 and it contains provision to the contrary.

(8) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a public gas supplier in accordance with Class F of Part 17 of that Schedule.

(9) Except as provided in Part 31, Schedule 2 does not permit any development which requires or involves the demolition of a building, but in this paragraph “building” does not include part of a building.

(10) Subject to paragraph (12), development is not permitted by this Order if an application for planning permission for that development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (“the Environmental Assessment Regulations”)⁽²⁾ (descriptions of development).

(1) S.I. 1994/2716.

(2) S.I. 1988/1199, amended by S.I. 1990/367, 1992/1494 and 1994/677.

(11) Where—

- (a) the local planning authority have given an opinion under regulation 3 of the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995 (“the Permitted Development Regulations”)(**3**) (opinion as to need for environmental statement) that an application for particular development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations and the Secretary of State has issued no direction to the contrary under regulation 4 of the Permitted Development Regulations (directions by the Secretary of State); or
- (b) the Secretary of State has given an opinion under regulation 5 of the Permitted Development Regulations (proposed development in which a relevant planning authority has an interest) that an application for particular development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations,

the development to which that opinion relates shall be treated, for the purposes of paragraph (10), as development which is not permitted by this Order.

(12) Paragraph (10) does not apply to—

- (a) development which comprises or forms part of a project serving national defence purposes;
- (b) development which consists of the carrying out by a drainage body within the meaning of the Land Drainage Act 1991(**4**) of improvement works within the meaning of the Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988(**5**);
- (c) development which consists of the installation of an electric line (within the meaning of Part I of the Electricity Act 1989(**6**) (electricity supply)) which replaces an existing line (as defined in regulation 2 of the Overhead Lines (Exemption) Regulations 1990(**7**) (interpretation)) and in respect of which consent under section 37 of that Act (consent required for overhead lines) is not required by virtue of regulation 3(1)(e) of those Regulations (exemptions from section 37(1) of the Electricity Act 1989): provided that, in the circumstances mentioned in paragraph (1)(a) or (b) of regulation 5 of those Regulations (further restrictions on the exemptions contained in regulation 3), the determination for the purposes of that regulation that there is not likely to be a significant adverse effect on the environment shall have been made otherwise than as mentioned in paragraph (2) of that regulation;
- (d) development for which permission is granted by Part 7, Class D of Part 8, Part 11, Class B of Part 12, Class F(a) of Part 17, Class A or Class B of Part 20 or Class B of Part 21 of Schedule 2;
- (e) development for which permission is granted by Class C or Class D of Part 20, Class A of Part 21 or Class B of Part 22 of Schedule 2 where the land in, on or under which the development is to be carried out is—
 - (i) in the case of Class C or Class D of Part 20, on the same authorised site,
 - (ii) in the case of Class A of Part 21, on the same premises or, as the case may be, the same ancillary mining land,
 - (iii) in the case of Class B of Part 22, on the same land or, as the case may be, on land adjoining that land,

(3) [S.I. 1995/417](#)

(4) [1991 c. 59](#). The definition of “drainage body” is to be found in section 72(1).

(5) [S.I. 1988/1217](#).

(6) [1989 c. 29](#). See the definition in section 64(1).

(7) [S.I. 1990/2035](#).

as that in, on or under which development of any description permitted by the same Class has been carried out before 3rd June 1995;

- (f) the completion of any development begun before 3rd June 1995.