
STATUTORY INSTRUMENTS

2015 No. 596

The Town and Country Planning (General Permitted Development) (England) Order 2015

Interpretation **E+W**

2.—(1) In this Order—

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960^{M1};

“the Act” means the Town and Country Planning Act 1990;

“adjoining owner or occupier” means any owner or occupier of any premises or land adjoining the site;

“aerodrome” means an aerodrome as defined in [^{F1}paragraph 1 of Schedule 1 to the Air Navigation Order 2016] which is—

- (a) licensed under that Order,
- (b) a Government aerodrome,
- (c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,
- (d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or
- (e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and, for the purposes of this definition, the terms “aerial work”, “Government aerodrome” and “public transport” have the meanings given in [^{F2}paragraph 1 of Schedule 1 to that Order];

“aqueduct” does not include an underground conduit;

“area of outstanding natural beauty” means an area designated as such by an order made by Natural England under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas)^{M2} as confirmed by the Secretary of State;

“building”—

- (a) includes any structure or erection and, except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building; and
- (b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;

“caravan” has the same meaning as for the purposes of Part 1 of the 1960 Act (caravan sites)^{M3};

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“classified road” means a highway or proposed highway which—

- (a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980 (general provision as to principal and classified roads)^{M4}; or

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(b) is classified by the Secretary of State for the purposes of any enactment by virtue of section 12(3) of that Act;

“cubic content” means the cubic content of a structure or building measured externally;

“dwellinghouse”, except in Part 3 of Schedule 2 to this Order (changes of use), does not include a building containing one or more flats, or a flat contained within such a building;

“electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000 ^{M5};

“erection”, in relation to buildings, includes extension, alteration, or re-erection;

“existing”, in relation to any building or any plant or machinery or any use, means (except in the definition of “original”) existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

“flat”, except in the expression “flat roof”, 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 Zone 1”, “Flood Zone 2” and “Flood Zone 3” have the meaning given in Schedule 4 to the Procedure Order;

“floor space” means the total floor space in a building or buildings;

“industrial process” means a process for or incidental to any of the following purposes—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

“land drainage” has the same meaning as in section 116 of the Land Drainage Act 1976 (interpretation) ^{M6};

“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) ^{M7};

“local advertisement” means publication of the notice in at least one newspaper circulating in the locality in which—

- (a) in the case of a direction, the area or, as the case may be, the whole or relevant part of the conservation area to which the direction relates is situated; and
- (b) in any other case, the land to which the proposed development relates is situated;

“machinery” includes any structure or erection in the nature of machinery;

“microwave” means that part of the radio spectrum above 1,000 MHz;

“microwave antenna” means a satellite antenna or a terrestrial microwave antenna;

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and 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 powers conferred by article 33(1) of the Procedure Order (or any previous powers to the like effect) ^{M8};

“mine” means any site on which mining operations are carried out;

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

“network” and “operator”, for the purposes of Part 3 and 4 of Schedule 2, have the same meaning as in Part 1 of the Railways Act 1993 (the provision of railway services) ^{M9};

“notifiable pipe-line” means a major accident hazard pipeline (as described in regulation 18 of the Pipelines Safety Regulations 1996 ^{M10}) but does not include a pipeline the construction of which has been authorised under section 1 of the Pipe-lines Act 1962 ^{M11};

“operational Crown building” means a building which is operational Crown land;

“operational Crown land” means—

(a) Crown land ^{M12} which is used for operational purposes; and

(b) Crown land which is held for those purposes,

but does not include—

(i) land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or held, for operational purposes;

(ii) Crown land—

(aa) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate;

(bb) in which there is an interest belonging to Her Majesty in right of Her private estates;

(cc) in which there is an interest belonging to Her Majesty in right of the Duchy of Lancaster; or

(dd) belonging to the Duchy of Cornwall;

“operational purposes” means the purposes of carrying on the functions of the Crown or of either House of Parliament;

“original” means—

(a) in relation to a building, other than a building which is Crown land, existing on 1st July 1948, as existing on that date;

(b) in relation to a building, other than a building which is Crown land, built on or after 1st July 1948, as so built;

(c) in relation to a building which is Crown land on 7th June 2006, as existing on that date; and

(d) in relation to a building built on or after 7th June 2006 which is Crown land on the date of its completion, as so built;

“plant” includes any structure or erection in the nature of plant;

“private way” means a highway not maintainable at the public expense and any other way other than a highway;

“Procedure Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2015 ^{M13};

“proposed highway” has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation) ^{M14};

“public service vehicle” means—

(a) a public service vehicle within the meaning of section 1 of the Public Passenger Vehicles Act 1981 (definition of public service vehicles) ^{M15}, or

(b) a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988 (general interpretation) ^{M16};

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“safety hazard area” means an area notified to the local planning authority—

- (a) by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 4 to the Procedure Order (or any previous powers to the like effect); or
- (b) by the Office for Nuclear Regulation for the purposes of paragraph (f) of that Table;

“satellite antenna” means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

“scheduled monument” has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments) ^{M17};

“site display” means the posting of the notice by firmly attaching it to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

“site of archaeological interest” means land which—

- (a) is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments);
- (b) is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance) ^{M18}, or
- (c) is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record;

“site of special scientific interest” means land to which section 28(1) of the Wildlife and Countryside Act 1981 (sites of special scientific interest, notification of additional land and enlargement of SSSI) ^{M19} applies;

“statutory undertaker” includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers) ^{M20}—

- (a) a universal service provider (within the meaning of Part 3 of the Postal Services Act 2011 ^{M21}) in connection with the provision of a universal postal service (within the meaning of that Part) ^{M22};
- (b) the Civil Aviation Authority;
- (c) a person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000 ^{M23} (air traffic services);
- (d) the Environment Agency ^{M24};
- (e) any water undertaker;
- (f) any gas transporter; and
- (g) any licence holder under section 6 of the Electricity Act 1989 ^{M25};

“terrestrial microwave antenna” means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

“trunk road” means a highway or proposed highway which is a trunk road by virtue of section 10(1) or 19 of the Highways Act 1980 (general provision as to trunk roads, and certain special roads and other highways to become trunk roads) ^{M26} or any other enactment or any instrument made under any enactment;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987 ^{M27}; and

“World Heritage Site” means a property appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention for the Protection of the World Cultural and Natural Heritage adopted at Paris on 16th November 1972 ^{M28}.

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(3) The land referred to elsewhere in this Order as article 2(3) land is the land described in Part 1 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc).

(4) The land referred to elsewhere in this Order as article 2(4) land is the land described in Part 2 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

(5) The land referred to elsewhere in this Order as article 2(5) land is the land described in Part 3 of Schedule 1 to this Order (exempt commercial areas).

(6) Paragraphs (7) to (11) apply where an electronic communication is used by a person for the purpose of fulfilling any requirement in this Order or in any Schedule to this Order to give or send any statement, notice or other document to any other person (“the recipient”).

(7) The requirement referred to in paragraph (6) is taken to be fulfilled where the notice or other document transmitted by means of the electronic communication is—

- (a) capable of being accessed by the recipient,
- (b) legible in all material respects, and
- (c) sufficiently permanent to be used for subsequent reference.

(8) In paragraph (7), “legible in all material respects” means that the information contained in the notice or document is available to the recipient to no lesser extent than it would be if sent or given by means of a document in printed form.

(9) Where the electronic communication is received by the recipient outside the recipient's business hours, it is taken to have been received on the next working day; and for this purpose “working day” means a day which is not a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England under the Banking and Financial Dealings Act 1971 ^{M29}.

(10) A requirement in this Order or in any Schedule to this Order that any document should be in writing is fulfilled where that document meets the criteria in paragraph (7), and “written” and related expressions are to be construed accordingly.

(11) References in this Order or in any Schedule to this Order to plans, drawings, notices or other documents, or to copies of such documents, include references to such documents or copies of them in electronic form.

(12) For the purposes of this Order, development carried out by or on behalf of any person in whom control of accommodation in any part of the Palace of Westminster or its precincts is vested is treated (so far as it would not otherwise be treated) as development by or on behalf of the Crown.

Textual Amendments

- F1** Words in art. 2(1) substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, [Sch. 14 para. 8\(a\)\(i\)](#) (with arts. 17-23, 274(2)-(4))
- F2** Words in art. 2(1) substituted (25.8.2016) by [The Air Navigation Order 2016 \(S.I. 2016/765\)](#), art. 1, [Sch. 14 para. 8\(a\)\(ii\)](#) (with arts. 17-23, 274(2)-(4))

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Marginal Citations

- M1** 1960 c. 62; which was amended by the Town and Country Planning Act 1962 (c. 38), Local Government Act 1963 (c. 33), Courts Act 1971 (c. 23), Local Government Act 1972 (c. 70), Local Government Act 1974 (c. 7), Statute Law (Repeals) Act 1974 (c. 22), Greater London Council (General Powers) Act 1976 (c. 26), Local Government, Planning and Land Act 1980 (c. 65), Acquisition of Land Act 1981 (c. 67), Local Government (Miscellaneous Provisions) Act 1982 (c. 30), Criminal Justice Act 1982 (c. 48), Planning (Consequential Provisions) Act 1990 (c. 11), Statute Law (Repeals) Act 1993 (c. 50), Criminal Justice and Public Order Act 1994 (c. 33), Environment Act 1995 (c. 25), Courts Act 2003 (c. 39), Fire and Rescue Services Act 2004 (c. 21), Mobile Homes Act 2013 (c. 14), and S.I. 1975/1636 and 2005/1541. There are other amendments not relevant to this Order.
- M2** 2000 c. 37. Section 82 was amended by Schedule 11 to the [Natural Environment and Rural Communities Act 2006](#) (c. 16). There is another amendment not relevant to this Order.
- M3** See in particular section 29, to which there are amendments not relevant to this Order.
- M4** 1980 c. 66.
- M5** 2000 c. 7. Section 15 was amended by Schedule 17 to the [Communications Act 2003](#) (c. 21).
- M6** 1976 c. 70, to which there are amendments not relevant to this Order.
- M7** 1990 c. 9. Section 1 was amended by Schedule 17 to the [Enterprise and Regulatory Reform Act 2013](#) (c. 24).
- M8** See the 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 27 January 2003 by the Office of the Deputy Prime Minister, a copy of which can be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF.
- M9** 1993 c. 43; see in particular sections 6 and 83. Relevant amendments to section 6 were made by S.I. 1998/1340 and 2005/3050.
- M10** S.I. 1996/825.
- M11** 1962 c. 58. Section 1 was amended by sections 37, 38 and 46 of the [Criminal Justice Act 1982](#) (c. 48), [Schedule 2](#) to the [Planning Act 2008](#) (c. 29) and S.I. 1999/742 and 2007/1519.
- M12** See section 293 of the Act for the definition of Crown land.
- M13** S.I. 2015/595.
- M14** There are amendments to section 329 not relevant to this Order.
- M15** 1981 c. 14. Section 1 was amended by Schedule 8 to the [Transport Act 1985](#) (c. 67).
- M16** 1988 c. 52. The definition of “trolley vehicle” was amended by Schedule 4 to the [Road Traffic Act 1991](#) (c. 40).
- M17** 1979 c. 46. Section 1 was amended by Schedule 4 to the [National Heritage Act 1983](#) (c. 47), and modified by section 70 of, and Schedule 9 to, the [Environment Act 1995](#) (c. 25).
- M18** 1979 c. 46. Section 33 was amended by Schedule 4 to the [National Heritage Act 1983](#) (c. 47) and Schedule 2 to the [Local Government Act 1985](#) (c. 51), and modified by section 70 of, and Schedule 9 to, the [Environment Act 1995](#) (c. 25).
- M19** 1981 c. 69. Section 28 was substituted, and sections 28B and 28C were inserted, by Schedule 9 to the [Countryside and Rights of Way Act 2000](#) (c. 37). Sections 28(1), 28B(1) and 28C(1) are amended by Schedule 11 to the [Natural Environment and Rural Communities Act 2006](#) (c. 16), and section 28(1) was further amended by Schedule 13 to the [Marine and Coastal Access Act 2009](#) (c. 23).
- M20** Section 262 was amended by Schedule 19 to the [Planning and Compensation Act 1991](#) (c. 34), [Schedule 5](#) to the [Transport Act 2000](#) (c. 38) and S.I. 2001/1149 and 2013/755, and modified by sections 31 and 76 of the [Utilities Act 2000](#) (c. 27).
- M21** 2011 c. 5. See in particular sections 35 and 65 of the Act.
- M22** See in particular sections 30 to 33 and 65 of the Postal Services Act 2011.
- M23** 2000 c. 38.
- M24** A body established under section 1 of the [Environment Act 1995](#) (c. 25).
- M25** 1989 c. 29. Section 6 was substituted by section 30 of the Utilities Act 2000, and amended by sections 89, 136, 143, 145 and 197 of, and Schedule 23 to, the [Energy Act 2004](#) (c. 20), [Schedule 8](#) to the

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Climate Change Act 2008 (c. 27), **Schedule 1** to the Energy Act 2011 (c. 16) and S.I. 2011/2704 and 2012/2400.

M26 1980 c. 66; section 10 was amended by section 22 of the **New Roads and Street Works Act 1991** (c. 22) and Schedule 2 to the **Planning Act 2008** (c. 29); section 19 was amended by section 21 of the New Roads and Street Works Act 1991.

M27 S.I. 1987/764, relevant amendments are made by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297, 1999/293, 2005/84, 2006/220, 2006/1282, 2010/653, 2010/675, 2011/988 and 2015/597.

M28 See <http://whc.unesco.org/en/list>

M29 1971 c. 80.

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