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## STATUTORY INSTRUMENTS

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### 2015 No. 596

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

### Permitted development

3.—(1) Subject to the provisions of this Order and [<sup>F1</sup>regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017] (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 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 3 of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 does 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 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, 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 Class A of Part 18 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval is not to 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 gas transporter in accordance with Class A of Part 15 of that Schedule.

(9) Except as provided in Classes B and C of Part 11, 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), Schedule 1 development or Schedule 2 development within the meaning of [<sup>F2</sup>the Town and Country Planning (Environmental Impact Assessment) Regulations 2017] (“the EIA Regulations”) is not permitted by this Order unless—

- (a) the local planning authority has adopted a screening opinion under [<sup>F3</sup>regulation 6] of those Regulations that the development is not EIA development [<sup>F4</sup>within the meaning of those Regulations];

*Status: Point in time view as at 06/04/2018. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, Section 3. (See end of Document for details)*

- (b) the Secretary of State has made a screening direction under [<sup>F5</sup>regulation 5(3)] of those Regulations that the development is not EIA development [<sup>F4</sup>within the meaning of those Regulations]; or
- (c) the Secretary of State has given a direction under [<sup>F6</sup>regulation 63(1)(a)] of those Regulations that the development is exempted from the application of those Regulations.

(11) Where—

- (a) the local planning authority has adopted a screening opinion under [<sup>F7</sup>regulation 6] of the EIA Regulations that development is EIA development [<sup>F8</sup>within the meaning of those Regulations] and the Secretary of State has in relation to that development neither made a screening direction to the contrary under [<sup>F9</sup>regulation 5(3)] of those Regulations nor directed under [<sup>F10</sup>regulation 63(1)(a)] of those Regulations that the development is exempted from the application of those Regulations; or
- (b) the Secretary of State has directed that development is EIA development [<sup>F11</sup>within the meaning of those Regulations],

that development is 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 consists of the carrying out by a drainage body, within the meaning of the Land Drainage Act 1991 <sup>M1</sup>, of improvement works within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999 <sup>M2</sup>;
- (b) development for which permission is granted by Class E of Part 6, Class K of Part 7, Class B of Part 12, Class A(a) of Part 15, Class D, E or I of Part 17 or Class A of Part 18 of Schedule 2;
- (c) development for which permission is granted by Class F, H or K of Part 17 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 F of Part 17, on the same authorised site,
  - (ii) in the case of Class H of Part 17, on the same premises or, as the case may be, the same ancillary mining land,
  - (iii) in the case of Class K of Part 17, on the same land or, as the case may be, on land adjoining that land,as that in, on or under which development of any description permitted by the same Class has been carried out before 14th March 1999;
- (d) the completion of any development begun before 14th March 1999;
- (e) development for which permission is granted by Class B of Part 9 of Schedule 2.

(13) Where a person uses electronic communications for making any application required to be made under any of Part of Schedule 2, that person is taken to have agreed—

- (a) to the use of electronic communications for all purposes relating to that person's application which are capable of being effected using such communications;
- (b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person's application; and
- (c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

### Textual Amendments

- F1** Words in art. 3(1) substituted (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), reg. 1(2), **Sch. 6 para. 52**
- F2** Words in art. 3(10) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(2)(a)** (with regs. 47, 70)
- F3** Words in art. 3(10) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(4)(a)** (with regs. 47, 70)
- F4** Words in art. 3(10)(a)(b) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(2)(b)** (with regs. 47, 70)
- F5** Words in art. 3(10) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(4)(b)** (with regs. 47, 70)
- F6** Words in art. 3(10) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(4)(c)** (with regs. 47, 70)
- F7** Words in art. 3(11) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(4)(a)** (with regs. 47, 70)
- F8** Words in art. 3(11)(a) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(3)** (with regs. 47, 70)
- F9** Words in art. 3(11) substituted (16.5.2017) by virtue of [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(4)(b)** (with regs. 47, 70)
- F10** Words in art. 3(11) substituted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(4)(c)** (with regs. 47, 70)
- F11** Words in art. 3(11)(b) inserted (16.5.2017) by [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(S.I. 2017/571\)](#), regs. 1(1), **73(3)** (with regs. 47, 70)

### Modifications etc. (not altering text)

- C1** Art. 3 applied (10.8.2016) by [The York Potash Harbour Facilities Order 2016 \(S.I. 2016/772\)](#), arts. 1, **9(4)** (with arts. 35, 36)
- C2** Art. 3(10) excluded (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 32 para. 1**

### Marginal Citations

- M1** [1991 c. 59](#). See section 72 for the definition of “drainage body”, was amended by Schedule 22 to the [Environment Act 1995 \(c. 25\)](#); there is another amendment which is not relevant to this Order.
- M2** [S.I. 1999/1783](#). See regulation 2 for the definition of “improvement works”; the definition was amended by [S.I. 2005/1399](#). There are other amendments not relevant to this Order.

**Status:**

Point in time view as at 06/04/2018. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, Section 3.