
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the General Permitted Development Order”) (S.I. 2015/596).

Review

Article 3 requires the Secretary of State to review the operation and effect of articles 1 to 7 of the General Permitted Development Order. This review is required by section 28 of the Small Business, Enterprise and Employment Act 2015 (c.26), in respect of regulatory provisions made after 1st July 2015. The framework set out in the General Permitted Development Order was made before this date. However, since this instrument amends the wider framework of the General Permitted Development Order, the review provisions are extended to the whole of the General Permitted Development Order, as amended by this instrument.

Change of use of buildings to residential use

Article 6 amends Class M of Part 3 of Schedule 2 to allow a building used as a launderette to change to residential use, on the same terms as those which apply to other uses within Class M.

Article 7 makes permanent the existing temporary right to change a building used as an office into residential use (Class O of Part 3 of Schedule 2). Article 7(1)(a) extends until 30th May 2019 the exemption from Class O of areas listed in Part 3 of Schedule 1 of the General Permitted Development Order. A condition allowing the local planning authority to consider noise impacts on the intended occupants of the development from premises in commercial use is included in the extended right. It also allows development under this Class to be completed up to 3 years from the prior approval date (defined in paragraph X of Part 3 of Schedule 2).

Article 8 creates a temporary right (Class PA of Part 3 of Schedule 2) to change a building in light industrial use to residential use, where an application for determination as to whether prior approval is required is made on or after 1 October 2017 and the prior approval date occurs on or before 30th September 2020. It also allows development under Class PA to be completed up to 3 years from the prior approval date (defined in paragraph X of Part 3 of Schedule 2). Article 9 provides that the householder development rights contained in Part 1 of Schedule 2 do not apply to development carried out under Class PA.

Article 10 requires a developer changing a building to residential use to supply to the local authority a statement specifying the net increase in the number of dwellinghouses proposed by the development, alongside its application for determination as to whether prior approval is required. Article 15(2) provides that this does not apply to applications made on or before 5th April 2016.

Amendments in relation to minerals permitted development

Articles 12, 13 and 14 allow, subject to conditions and limitations, the drilling of boreholes for the purposes of: (a) carrying out groundwater monitoring; (b) carrying out seismic monitoring; or (c) locating and appraising the condition of mine operations, which is preparatory to potential petroleum exploration. Under new Class JA of Part 17 of the General Permitted Development Order, such development may take place for a period not exceeding 28 consecutive days. Under new Class KA of Part 17, where a developer has notified the relevant mineral planning authority in writing of its

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intentions, then such development may take place for a period not exceeding 24 months (in the case of the drilling of boreholes for carrying out groundwater monitoring) or 6 months (in other cases), unless the mineral planning authority has otherwise agreed in writing. Authorities have the power, in certain circumstances, to issue a notice under Article 5 of the General Permitted Development Order restricting the rights otherwise permitted under Class KA.

Minor amendments are also made in respect of existing permitted development rights relating to minerals exploration in Classes J and K of Part 17. The height restriction on any structure assembled or provided in respect of such development is raised from 12 metres to 15 metres, and development under Class J will no longer be permitted in the Broads.

Other amendments

Article 4 clarifies the wording of the General Permitted Development Order, making it clear that the relevant boundary is opposite the rear wall of the dwellinghouse being enlarged.

Article 5 re-inserts the wording ‘and any land’ which was omitted from Class D of Part 3 of Schedule 2.

Article 11 clarifies that land may be used for a temporary period for commercial film-making under Class B of Part 4 of Schedule 2.

Impact assessments in relation to articles 6 to 8, and articles 12 to 14, of this Order and will be published at www.legislation.gov.uk or copies may be inspected at the Planning Directorate, Department for Communities and Local Government, 2 Marsham Street, London SW1P 4DF. An impact assessment has not been produced in respect of other provisions of this instrument as no significant impact on the private or voluntary sector is foreseen.