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STATUTORY INSTRUMENTS

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**2021 No. 428**

**The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021**

**Amendments to Class M of Part 7 of Schedule 2**

9.—(1) Class M (extensions etc for schools, colleges, universities and hospitals) of Part 7 (non-domestic extensions, alterations etc) of Schedule 2 is amended as follows.

(2) In the heading, after “universities” insert “, prisons”.

(3) In paragraph M (permitted development), after “university” insert “, prison”.

(4) In paragraph M.1 (development not permitted)—

(a) for paragraph (a) substitute—

“(a) if the cumulative footprint of any erection, extension or alteration under Class M on or after 21st April 2021 would exceed the greater of—

(i) 25% of the cumulative footprint of the school, university, prison or hospital buildings as it was on 21st April 2021; or

(ii) 250 square metres;”;

(b) in paragraph (b), after “university” insert “, prison”;

(c) in paragraph (d), for “exceed 5 metres” substitute—

“exceed—

(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;  
or

(ii) in all other cases, 6 metres;”;

(d) after paragraph (d) insert—

“(da) if the height of any rooftop structure would exceed 1.5 metres;”;

(e) in paragraph (e)(i), after “premises,” insert “the lesser of the height of the building being extended or altered or”;

(f) in paragraph (g)(ii), at the end insert—

“;

(iii) in the case of prison buildings—

(aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners in closed conditions;

(bb) the buildings are located on a site with a closed perimeter; and

(cc) the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on 21st April 2021”.

(5) In paragraph M.2 (conditions)—

(a) after each occurrence of “university” insert “, prison”;

- (b) in paragraph (c), omit “and”;
- (c) at the end of paragraph (d) insert—

“;

- (e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school’s published admission number, the developer must, within a period of six months starting with the date the development is completed, submit to the local planning authority a travel plan for the site;
  - (f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
    - (i) transport and highways impacts of the proposed development;
    - (ii) the design and external appearance of the erection, extension or alteration;  
or
    - (iii) the impact of the development on heritage and archaeology;
  - (g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);
  - (h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval date”.
- (6) After paragraph M.2 insert—

**“Procedure for applications for prior approval under Class M**

**M.2A.**—(1) The following provisions apply where a developer is required under paragraph M.2(f) to make an application to a local authority for a determination as to whether the prior approval of the authority will be required.

- (2) The application must be accompanied by—
- (a) a written description of the proposed development;
  - (b) a plan indicating the site and showing the proposed development;
  - (c) drawings prepared to an identified scale and showing—
    - (i) in the case of a building to be erected, the proposed external dimensions and elevations of that building; and
    - (ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration;
  - (d) a written statement in respect of the heritage and archaeological considerations of the development;
  - (e) the developer’s contact address;
  - (f) the developer’s email address if the developer is content to receive communications electronically; and
  - (g) any fee required to be paid.

(3) Sub-paragraphs (3) to (5) and (7) to (14) of paragraph W of Part 3 apply to an application under this paragraph as they apply to an application under Part 3 as if—

(a) in sub-paragraph (3)—

(i) the words from “except for” to “paragraph Q.2(1)(g)” were omitted;

(ii) for “this Part” there were substituted “Class M”;

(b) sub-paragraph (10)(c) were omitted.”.

(7) In paragraph M.3 (interpretation of Class M)

(a) for the entry that begins ““original school, college, university or hospital building”” substitute—

““footprint”, in relation to a building, means the total area of ground covered by it;

“original school, college, university, prison or hospital building” means original building which is a school, college, university, prison or hospital building, as the case may be, other than any building erected at any time under Class M;

“prior approval date” has the meaning given in paragraph X of Part 3;

“prison”—

(a) includes a young offender institution provided pursuant to section 43(1)(a) (places for the detention of young offenders etc) of the Prison Act 1952(1);

(b) does not include—

(i) a secure training centre or a secure college provided pursuant to, respectively, section 43(1)(b) or (c) of the Prison Act 1952;

(ii) premises approved pursuant to section 13(1) (approved premises) of the Offender Management Act 2007(2);

(iii) a bail hostel within the meaning of section 2(2) (other definitions) of the Bail Act 1976(3);

“published admission number” means the number of pupils of any relevant age group at the school determined by the admission authority under sections 88C and 88D of the School Standards Framework Act 1998(4);

“rooftop structure” has the meaning given in paragraph D.3 of Part 9;”;

(b) in the definition of “school”, at the end insert—

“; and

“travel plan” means a long-term management strategy that seeks to deliver sustainable transport objectives”.

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(1) 1952 c. 52. Section 43 was substituted by section 38(1) of the Criminal Justice and Courts Act 2015 (c. 2).

(2) 2007 c. 21.

(3) 1976 c. 63. The definition of “bail hostel” was substituted by paragraph 50(3)(a) of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(4) 1998 c. 31. Sections 88C and 88D were inserted by section 151 of the Education and Skills Act 2008 (c.25). “Admission authority” is defined in section 88(1) of that Act.