



## Planning Guide - Permitted Development

*The Town and Country Planning (General Permitted Development) Order 1995*<sup>1</sup> (as amended) (GPDO 1995) grants general planning permission – known as 'permitted development rights' – for specified classes of development<sup>2</sup>. These classes of development do not have to follow the usual planning application process outlined in Planning Quick Guide 47: Application Process.

Some operations and uses are excluded altogether from the meaning of 'development' (eg: maintenance and alteration of the interior of a dwelling house). See Planning Quick Guide 46: Planning Permission for more information.

Not all permitted development rights will necessarily apply to a particular property or piece of land; listed buildings, and properties in areas of conservation and National Parks may have restrictions.

GPDO 1995 is made under section 58 of the *Town and Country Planning Act 1990* (TCPA 1990)<sup>3</sup>.

Schedule 2 to the GPDO 1995 (as amended) sets out 84 separate classes of permitted development in 38 distinct parts, subject to certain specified exceptions, limitations, and conditions:

### **Part 1: Development within the Curtilage of a Dwelling House:**

- *Class A* – the enlargement, improvement or other alteration of a dwelling house<sup>4</sup>
- *Class B* – the enlargement of a dwelling house consisting of an addition or alteration to its roof<sup>5</sup>
- *Class C* – any other alteration to the roof of a dwelling house<sup>6</sup>
- *Class D* – the erection or construction of a porch outside any external door of a dwelling house<sup>7</sup>
- *Class E* - the provision of any building or enclosure, swimming or other pool
- *Class F* - the provision of a hard surface
- *Class G* - the erection of a container for the storage of oil for domestic heating
- *Class H* - the installation, alteration or replacement of a microwave antenna on or within a dwelling house.

### **Part 2: Minor Operations (such as the erection of a wall, fence, or gate, or painting the exterior of a building)**

### **Part 3: Changes of Use (see below)**

### **Part 4: Temporary Buildings and Uses**

<sup>1</sup> *The Town and Country Planning (General Permitted Development) Order 1995*, SI 1995/418, <http://www.lexisnexis.com/uk/legal/results/pubTreeViewDoc.do?nodeId=TAAFAACHAAO&pubTreeWidth=550>

<sup>2</sup> See Article 3 and Schedule 2 of GPDO 1995

<sup>3</sup> *The Town and Country Planning Act 1990*, <http://www.lexisnexis.com/uk/legal/results/docview>

<sup>4</sup> Development is not 'permitted' by Class A of Part 1 if, among other reasons, the enlargement adds more than 70 cubic metres (or 15%, if greater) to the building, and in any case if it adds more than 115 cubic metres. Enlargement of terraced houses, or houses in National Parks, Areas of Outstanding Natural Beauty, or Conservation Areas, is not 'permitted' by Class A if more than 50 cubic metres (or 10%, if greater) is added to the dwelling.

<sup>5</sup> Development is not 'permitted' by Class B of Part 1 if, among other reasons, the height of the existing roof would be breached, or if it adds more than 40 cubic metres to a terraced dwelling house or 50 cubic metres to any dwelling house.

<sup>6</sup> Development is not 'permitted' by Class C of Part 1 if it materially alters the shape of the dwelling house.

<sup>7</sup> Development is not 'permitted' by Class D of Part 1 if the ground area, measured externally, is more than 3 square metres, or if any part of it is more than 3 metres in height, or if it encroaches within 2m of the boundary with a highway.



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**Part 5:** Caravan Sites

**Part 6:** Agricultural Buildings and Operations

**Part 7:** Forestry Buildings and Operations

**Part 8:** Industrial and Warehouse Development

**Part 9:** Repairs to Unadopted Streets and Private Ways

**Part 10:** Repairs to Services

**Part 11:** Development under Local or Private Acts or Orders

**Part 12:** Development by Local Authorities

**Part 13:** Development by Highway Authorities

**Part 14:** Development by Drainage Bodies

**Part 15:** Development by the Environment Agency

**Part 16:** Development by or on behalf of Sewerage Undertakers

**Part 17:** Development by Statutory Undertakers

**Part 18:** Aviation Development

**Part 19:** Development Ancillary to Mining Operations

**Part 20:** Coal Mining Development by the Coal Authority and Licensed Operators

**Part 21:** Waste Tipping at a Mine

**Part 22:** Mineral Exploration

**Part 23:** Removal of Material from Mineral-working Deposits

**Part 24:** Development by Electronic Communications Code Operators

**Part 25:** Other Telecommunications Development

**Part 26:** Development by the Historic Buildings and Monuments Commission for England

**Part 27:** Use by Members of Certain Recreational Organisations

**Part 28:** Development at Amusement Parks

**Part 29:** Driver Information Systems

**Part 30:** Toll Road Facilities

**Part 31:** Demolition of Buildings

**Part 32:** Schools, Colleges, Universities and Hospitals

**Part 33:** Closed Circuit Television Cameras

**Part 34:** Development by the Crown



**Part 35:** Aviation Development by the Crown

**Part 36:** Crown Railways, Dockyards etc and Lighthouses

**Part 37:** Emergency Development by the Crown

**Part 38:** Development for National Security Purposes

**Are there permitted development rights for changes of use?**

Certain changes of use constitute permitted development under Part 3 (changes of use) of Schedule 2 of the GPDO 1995:

- *Class A* – the change to use of a building as a shop from a use (in Wales) for
  - the sale of food or drink for consumption on the premises or of hot food for consumption off the premises or
  - the sale, or display for sale, of motor vehicles.
- *Class B* – the change to use of a building for business purposes from any general industrial use or use for storage and distribution; or to use for storage and distribution from any use for business purposes or general industrial use.
- *Class C* – the change to use of premises for financial and professional services from a use (in Wales) for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.
- *Class D* – the change to use of premises with a display window at ground floor level as a shop from a use for financial and professional services.
- *Class E* – the change to use of a building or other land which would have been specifically authorised when planning permission was granted, even though previous use has been for another (authorised) use.
- *Class F* – any of the following changes of the use of a building:
  - to the use for any shop purpose with an accompanying single flat, from a use for any shop purpose;
  - to the use for any financial and professional services purpose with an accompanying single flat, from a use for any financial and professional services purpose;
  - where that building has a display window at ground floor level, to the use for any shop purpose with an accompanying single flat, from a use for any financial and professional services purpose.
- *Class G* provides for the reverse changes of those specified in Class F, so that a business premises with accompanying flat may be reverted solely to use as a business.



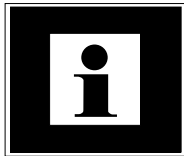
## Local Development Orders

Section 40 of the *Planning and Compulsory Purchase Act 2004* amends the TCPA 1990 allowing for local development orders to be made.

This section has not yet commenced in Wales, although In England it came into force on 10 May 2006. If Section 40 of the 2004 Act comes into force in Wales, the insertion of sections 61A, 61B and 61C into the TCPA 1990 will give LPAs the power to expand on permitted development rights.

This means that LPAs will be able to designate certain areas within, or the entirety of, an authority's jurisdiction, as having planning permission for specified types of development. Permission may be granted unconditionally, or be subject to specified conditions or limitations. Welsh Ministers may require such a Local Development Order to be submitted to it for their approval.

### Further Information:



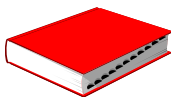
The statutory provisions cited above may be subject to subsequent amendment; the consolidated text of those provisions can be obtained from Butterworths' *LexisNexis* service:

[http://assembly/presidingoffic/mrs/resources/electronic/glinks\\_lexisnexis.htm](http://assembly/presidingoffic/mrs/resources/electronic/glinks_lexisnexis.htm)



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