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STATUTORY INSTRUMENTS

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**2020 No. 1243**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020**

*Made - - - - 9th November 2020*  
*Laid before Parliament 11th November 2020*  
*Coming into force in accordance with regulation 1*

The Secretary of State, in exercise of the powers conferred by sections 59, 60(1) and (4), 61, 108(2A) (a), (3C)(a), (5) and (6) and 333(1), (2A) and (7) of the Town and Country Planning Act 1990<sup>(1)</sup>, makes the following Regulations.

**PART 1**

**Introduction**

**Citation and commencement**

**1.—(1)** These Regulations may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020.

(2) Subject to paragraph (3) and (4), these Regulations come into force on 3rd December 2020.

(3) Regulations 3 and 12(1), (2) and (5) come into force on 6th April 2021.

(4) Regulation 4 comes into force on 1st January 2021.

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<sup>(1)</sup> 1990 c. 8. Amendments have been made to section 59 which are not relevant to these Regulations. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152 of the Housing and Planning Act 2016 (c. 22).

## PART 2

### Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

#### **Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015**

2. The Town and Country Planning (General Permitted Development) (England) Order 2015(2) is amended in accordance with regulations 3 to 10.

#### **Amendment in relation to space standard**

3. In article 3, after paragraph (9) insert—

“(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

- (a) where the gross internal floor area is less than 37 square metres in size; or
- (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(3).

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.”

#### **Amendments in relation to additional temporary use of land**

4. In Class BA of Part 4 of Schedule 2, in paragraph BA.2, in the definition of “relevant period” for the words “1st July 2020 to 31st December 2020” substitute “1st January 2021 to 31st December 2021”.

#### **Amendments in relation to temporary provision of takeaway food**

5. In Class DA of Part 4 of Schedule 2, in paragraph DA, for the words “23rd March 2021” substitute “23rd March 2022”.

#### **Amendments in relation to concert halls, venues for live music performance and theatres**

6. In Class B of Part 11 of Schedule 2, in paragraph B.1—

(a) after sub-paragraph (b) omit “or”;

(b) after sub-paragraph (c) insert—

“; or

(d) the building is used, or was last used, for the purpose of—

- (i) a concert hall;
- (ii) a venue for live music performance; or
- (iii) a theatre.”

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(2) S.I. 2015/596 amended by S.I. 2016/332, S.I. 2016/765, S.I. 2016/1040, S.I. 2016/1154, S.I. 2017/391, S.I. 2017/402, S.I. 2017/571, S.I. 2017/619, S.I. 2017/1011, S.I. 2017/1012, S.I. 2018/119, S.I. 2018/343, S.I. 2018/695, S.I. 2019/907, S.I. 2020/330, S.I. 2020/412, S.I. 2020/632, S.I. 2020/755 and S.I. 2020/756.

(3) “Technical housing standards – nationally described space standard” – <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard> a copy of which can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF. A copy in different formats (including braille) and in languages other than English is available on request.

**Amendment in relation to holding of a market by or on behalf of a local authority**

7. In Class BA of Part 12 of Schedule 2, in paragraph BA, for the words “23rd March 2021” substitute “23rd March 2022”.

**Amendment in relation to emergency development by a local authority or health service body**

8. In Class A of Part 12A of Schedule 2, in paragraph A.2(b), for the words “31st December 2020” substitute “31st December 2021”.

**Amendment in relation to development by the Crown relating to an emergency**

9. In Class Q of Part 19 of Schedule 2, for paragraph Q.1(b) substitute—

“(b) on or before the expiry of the period of 12 months beginning with the date on which the development began—

- (i) any use of that land for a purpose of Class Q ceases and any buildings, plant, machinery, structures and erections permitted by Class Q is removed; and
- (ii) the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer,

unless permission for the development has been granted by virtue of any provision of this Schedule or on an application under Part 3 of the Act.”.

**Amendments in relation to development by the Crown relating to a pandemic**

10. In Part 19 of Schedule 2, after Class Q insert—

“Class QA – development by the Crown relating to a pandemic

**QA. Permitted development**

Development by or on behalf of the Crown on Crown land for the purposes of—

- (a) preventing a pandemic;
- (b) reducing, controlling or mitigating the effects of a pandemic; or
- (c) taking other action in connection with a pandemic.

**QA.1 Conditions**

Development is permitted by Class QA subject to the following conditions—

- (a) the developer must, as soon as practicable after commencing development, notify the local planning authority of that development; and
- (b) on or before the expiry of the period of 12 months beginning with the date on which the development began—
  - (i) any use of that land for a purpose of Class QA ceases and any buildings, plant, machinery, structures and erections permitted by Class QA is removed; and
  - (ii) the land is restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer,

unless permission for the development has been granted by virtue of any provision of this Schedule or on an application under Part 3 of the Act.

## QA.2 Interpretation of Class QA

For the purposes of Class QA—

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class Q of Part 19 of this Schedule;

“pandemic” means a public health emergency of international concern within the meaning given by the International Health Regulations (2005) of the World Health Organisation adopted by the fifty-eighth World Health Assembly on 23rd May 2005(4);

“World Health Assembly” has the meaning set out in the Constitution of the World Health Organisation adopted by the International Health Conference held in New York from the 19th June to 22nd July 1946 and signed on 22nd July 1946(5);

“World Health Organisation” means the specialised agency within the terms of Article 57 of the Charter of the United Nations, established by the Constitution of the World Health Organisation(6).”.

## PART 3

### Amendment to the Town and Country Planning (Compensation) (England) Regulations 2015

#### Consequential amendment

11. In the Town and Country Planning (Compensation) (England) Regulations 2015(7), in regulation 2, after paragraph (e) insert—

“(ea) Class B of Part 11 in so far as it relates to a development mentioned in paragraph B.1(d) (demolition of concert halls, venues for live music performance and theatres);”.

## PART 4

### Transitional and saving provisions

#### Transitional and saving provisions

12.—(1) Where a prior approval event occurs, the planning permission granted by—

- (a) Class M, N, O, P, PA or Q of Part 3 of Schedule 2; or
- (b) Class A, ZA, AA, AB, AC or AD of Part 20 of Schedule 2,

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(4) “the International Health Regulations (2005) of the World Health Organisation adopted by the fifty-eighth World Health Assembly on 23rd May 2005”- [https://apps.who.int/iris/bitstream/handle/10665/43883/9789241580410\\_eng.pdf;jsessionid=73BCAD85F145CE5CF4220563D242419F?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43883/9789241580410_eng.pdf;jsessionid=73BCAD85F145CE5CF4220563D242419F?sequence=1). A copy of which can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(5) “the Constitution of the World Health Organisation adopted by the International Health Conference held in New York from the 19th June to 22nd July 1946 and signed on 22nd July 1946”- [https://www.who.int/governance/eb/who\\_constitution\\_en.pdf](https://www.who.int/governance/eb/who_constitution_en.pdf). A copy of which can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(6) “the Charter of the United Nations, established by the Constitution of the World Health Organisation” - <https://www.un.org/en/sections/un-charter/un-charter-full-text/>. A copy of which can be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London SW1P 4DF.

(7) S.I. 2015/598 amended by S.I. 2016/331, S.I. 2017/392, S.I. 2017/402, S.I. 2017/620, S.I. 2019/907 and S.I. 2020/632.

continues to have effect as if the amendments made by regulation 3 of these Regulations had not been made.

(2) The amendment made by regulation 3 of these Regulations does not have effect in relation to development under—

- (a) Class M, N, O, P, PA or Q of Part 3 of Schedule 2; or
- (b) Class A, ZA, AA, AB, AC or AD of Part 20 of Schedule 2,

where an application for prior approval is submitted before 6th April 2021.

(3) Where a prior approval event occurs, the planning permission granted by Class B of Part 11 of Schedule 2 continues to have effect as if the amendments made by regulation 6 of these Regulations had not been made.

(4) The amendment made by regulation 6 of these Regulations does not have effect in relation to development under Class B of Part 11 of Schedule 2 where an application for prior approval is submitted before 3rd December 2020.

(5) In this regulation—

“excepted matter” means a matter determined under any of the following provisions in relation to a Class mentioned in paragraph (1) or (3) above—

- (a) paragraph M.2 of Class M;
- (b) paragraph N.2 of Class N;
- (c) paragraph O.2 of Class O;
- (d) paragraph P.2 of Class P;
- (e) paragraph PA.2 of Class PA;
- (f) paragraph Q.2 of Class Q;
- (g) paragraph A.2 of Class A;
- (h) paragraph ZA.2 of Class ZA;
- (i) paragraph AA.2 of Class AA;
- (j) paragraph AB.2 of Class AB;
- (k) paragraph AC.2 of Class AC;
- (l) paragraph AD.2 of Class AD;
- (m) paragraph B.2(b)(i) of Class B;

“prior approval application” has the same meaning as in section 69A(2) of the Town and Country Planning Act 1990<sup>(8)</sup>;

“prior approval event” means—

- (a) the giving of prior approval in relation to an excepted matter—
  - (i) before the relevant date;
  - (ii) on or after the relevant date where the prior approval application was submitted to the local planning authority before the relevant date;
  - (iii) on or after the relevant date in relation to an appeal which was lodged under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of notice of refusal of a prior approval application submitted before the relevant date;
- (b) a determination, in writing, that prior approval is not required to be given in relation to an excepted matter—

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<sup>(8)</sup> Section 69A was inserted by section 17 of the Neighbourhood Planning Act 2017 (c. 20).

- (i) before the relevant date;
- (ii) on or after the relevant date where the prior approval application in accordance with—
  - (aa) paragraph W of Part 3 of Schedule 2 (in relation to development mentioned in paragraph (1)(a) above); or
  - (bb) paragraph B.2(b)(ii) of Part 11 of Schedule 2 (in relation to development mentioned in paragraph (3) above),  
was submitted to the local planning authority before the relevant date; or
- (c) in relation to a proposed development mentioned in paragraph (1)(a) above, the expiry of 56 days beginning with the date on which the local planning authority received the prior approval application in relation to the proposed development in accordance with paragraph W of Part 3 of Schedule 2 without the local planning authority notifying the applicant, in writing, of their determination as to whether or not such approval is required—
  - (i) before 6th April 2021; or
  - (ii) on or after 6th April 2021 where the prior approval application was submitted before 6th April 2021;

“relevant date” means—

- (a) in relation to planning permission granted under Class B of Part 11 of Schedule 2, 3rd December 2020;
- (b) in relation to planning permission granted under a Class mentioned in paragraph (1) above, 6th April 2021;

“Schedule 2” means Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

*Christopher Pincher*  
Minister of Housing  
Ministry of Housing, Communities and Local  
Government

9th November 2020

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

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

Regulation 3 amends article 3 of the Order. It limits permitted development rights in relation to dwellinghouses to developments which comply with the nationally described space standard.

Regulation 4 amends Part 4 of Schedule 2 to the Order. It amends Class BA (additional temporary use of land during the relevant period) of Part 4 of Schedule 2 to the Order, to change the relevant period to between 1st January 2021 and 31st December 2021, an additional period of 28 days for a temporary use of land or an additional 14 days for the holding of a market or motor car and motorcycle racing including trials of speed, and practising for these activities.

Regulation 5 amends Class DA of Part 4 of Schedule 2 to the Order. The amendment provides for a building with a use as a restaurant, cafe, drinking establishment or drinking establishment with expanded food provision to be used for the provision of takeaway food on a temporary basis during a period ending on 23rd March 2022.

Regulation 6 amends Class B of Part 11 of Schedule 2 to the Order. It removes from the category of permitted development the right to demolish a building used as a concert hall, theatre or a venue for live music performance.

Regulation 7 amends Class BA of Part 12 of Schedule 2 to the Order. It extends the permitted development right conferred by that Class to hold a market by or on behalf of a local authority during the relevant period so that it applies until 23rd March 2022

Regulation 8 amends Class A of Part 12A of Schedule 2 to the Order and extends the date for the expiry of the current right for local authorities and health service bodies to carry out development on land owned, occupied or maintained by them for the purposes of addressing emergencies from 31st December 2020 until 31st December 2021.

Regulation 9 amends Class Q of Part 19 of Schedule 2 to the Order to extend the current time limit for removing buildings, plant, machinery and other permitted erections and restoring land to its original condition where development is carried out by or on behalf of the Crown for the purpose of dealing with emergencies from 6 months to 12 months. The requirement to restore the land to its original condition and to terminate the emergency use may now be dispensed with where the future development is authorised by virtue of permitted development rights under Schedule 2 to the Order or by virtue of planning permission under Part 3 of the Town and Country Planning Act 1990.

Regulation 10 introduces a new additional Class QA into Part 19 of Schedule 2 to the Order; this makes provision in connection with development carried out by the Crown relating to a pandemic.

Regulation 11 amends the Town and Country Planning (Compensation) (England) Regulations 2015 (S.I. 2015/598) (“the Compensation Regulations”) by the addition of the demolition of a concert hall, a theatre, or a venue for live music performance under Class B of Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 into the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the Compensation Regulations. The effect of this regulation is that compensation is only payable in respect of planning applications made within 12 months beginning on the date that the direction took effect. The Compensation Regulations also allow local planning authorities to avoid compensation liability on withdrawal of the permitted development right by publicising their

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intention to make an article 4 direction at least 1 year and not more than 2 years, ahead of the article 4 direction taking effect.

Regulation 12 makes transitional and saving provisions.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector will be published at [www.legislation.gov.uk](http://www.legislation.gov.uk) and copies may be inspected at the Planning Directorate, 2 Marsham Street, London SW1P 4DF.