General Development Order Consolidation 1995 Department of the Environment

Section III-The Procedure Order;

- Main changes;
- Minor changes;
- Further advice.

4. The Circular has the following six Appendices:

Appendix A-Best practice in handling planning applications;

Appendix B-Consultations before the grant of planning permission;

Appendix C-Direction to local planning authorities in England to consult the Garden History Society;

Appendix D-Article 4 directions;

Appendix E-Supplementary planning guidance on telecommunications development;

Appendix F-Comparative table of old and new articles.

Relevant guidance

5. The following Circulars continue to have effect to the extent that the statutory provisions which they describe have not been substantially amended (references in the Circulars to provisions in the GDO should be read as references to the corresponding provisions in the consolidated orders):

Welsh Office Circular 61/81, "Historic Buildings and Conservation Areas-Policy and Procedures";

Welsh Office Circular 52/87, "Nature Conservation" (DOE Circular 27/87 was cancelled by PPG 9);

DOE Circular 15/88 (Welsh Office 23/88), "Town and Country Planning (Assessment of Environmental Effects) Regulations 1988";

Welsh Office Circular 1/92, "Planning Controls over Sites of Special Scientific Interest" (DOE Circular 1/92 was cancelled by PPG 9);

DOE Circular 11/92 (Welsh Office 20/92), "Planning Controls for Hazardous Substances: the Planning (Hazardous Substances) Act 1990; the Planning (Hazardous Substances) Regulations 1992 (SI 1992 No 656)";

DOE Circular 15/92 (Welsh Office 32/92), "Publicity for Planning Applications"; and

DOE Circular 17/92 (Welsh Office 38/92), "Planning and Compensation Act 1991 -Implementation of the Remaining

Enforcement Provisions: Section 2 (Breach of Condition Notice), revised "Immunity" Rules in Section 4 and Section 10 (Certificate of Lawful Use or Development)".

6. In addition, DOE Circular 3/95 (Welsh Office 12/95), "Permitted Development and Environmental Assessment", effective from 3 June 1995, describes the new provisions (paragraphs (10) to (12) of article 3 of the Permitted Development Order) removing permitted development rights for development requiring environmental assessment (see paragraphs 16, 17 and 22 below).

7. DOE Circular 10/95 (Welsh Office 31/95), "Planning Controls over Demolition", replaces DOE Circular 26/92 (Welsh Office 57/92) of the same title, and incorporates the 1995 Demolition Direction. This Direction brings the demolition of gates, fences and walls etc. in conservation areas within the definition of development with effect from 3 June 1995. The new Class B of Part 31 of Schedule 2 to the Permitted Development Order then gives permitted development rights for such demolition (see paragraphs 25-27 below).

8. Other guidance on permitted development may be found in the following Planning Policy Guidance (PPG) and Minerals Policy Guidance (MPG) notes:

PPG 7, "The Countryside and the Rural Economy" (DOE/Welsh Office, 1992);

PPG 8, "Telecommunications" (DOE/Welsh Office, 1992);

PPG 9, "Nature Conservation" (DOE, 1994);

PPG 15, "Planning and the Historic Environment" (DOE/DNH, 1994);

MPG 3, "Coal Mining and Colliery Spoil Disposal" (DOE/Welsh Office, 1994), and DOE and Welsh Office circular letters dated 1 November 1994; and

MPG 5, "Minerals Planning and the General Development Order" (DOE/Welsh Office, 1988).

Cancellations

9. The following are cancelled by this Circular with effect from 3 June 1995:

DOE Circular 17/86 (Welsh Office 50/86), "The Town and Country Planning (Agriculture and Forestry Development in National Parks etc.) Special Development Order 1986";

DOE Circular 22/88 (Welsh Office 44/88), "General Development Order Consolidation: The Town and Country Planning General Development Order 1988; The Town and Country Planning (Applications) Regulations 1988";

DOE Circular 27/92 (Welsh Office 62/92), "Town and Country Planning General Development Order 1988: Level Crossing

Safety and the Planning System" (but see paragraphs 13-16 of Appendix B below);

DOE and Welsh Office circular letters dated respectively 19 May 1994 and 28 June 1994, "Planning Control over Telecommunications Development" (but see Appendix E below);

DOE and Welsh Office circular letters dated 16 February 1995, " "Streamlining Planning"-Amendments to the Town and Country Planning General Development Order 1988 and the Town and Country Planning (Use Classes) Order 1987" (but see paragraphs 47-50 below); and

DOE circular letter dated 28 April 1995, "Town and Country Planning (Consultation with the Garden History Society) Direction 1995" (but see paragraph 81 and Appendices B and C below).

Relevant Regulations

10. The following Regulations are relevant to the consolidated orders.

The Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI 1988/1199)

11. These Regulations, as amended by SI 1990/367, 1992/ 1494 and 19941677, impose procedural requirements for considering planning applications for development requiring environmental assessment. Further advice is given in DOE Circular 15/88 (WO 23/88).

The Town and Country Planning (Applications) Regulations 1988 (SI 1988/1812)

12. These Regulations ("the Applications Regulations"), required by section 62 of the 1990 Act, govern full and outline applications for planning permission and for the renewal of planning permission. Other matters concerning planning application procedures are set out in the Procedure Order.

The Local Government Changes for England Regulations 1994 (SI 1994/867)

13. These Regulations enable general legislative provisions to continue in effect, following changes to local government organisation in England under Part II of the Local Government Act 1992. Regulation 5 provides for references to a county council to be construed as including a district council (and *vice versa)* where a single principal authority replaces a two-tier system. References to these Regulations have been added as footnotes to the Permitted Development Order and the Procedure Order.

The Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716)

14. The Permitted Development Order is subject to regulations 60 to 63 of these Regulations ("the Habitats Regulations"). Regulation 60 imposes a condition on planning permission granted by the Order which ensures that development likely to have a significant effect on a European site and not directly related to the management of the site shall not begin without the local

planning authority's approval under regulation 62. Such approval may only be given where the authority, after consulting English Nature or the Countryside Council for Wales, have ascertained that the development will not adversely affect the integrity of the site. In this context, a European site means a Special Protection Area for Birds or, in future, an area either designated or due to be designated as a Special Area of Conservation. Further advice on the Habitats Regulations is given in PPG 9.

The Town and Country Planning (Crown Land Applications) Regulations 1995 (SI 1995/1139)

15. These Regulations modify certain provisions in the Procedure Order relating to planning applications in respect of Crown land made by the appropriate authority (for example, a Government Department), or made by a person authorised by the appropriate authority. The Regulations replace from 3 June 1995 the Town and Country Planning (Crown Land Applications) Regulations 1992 (SI 1992/2683) to reflect the numbering of articles in the new Order.

The Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 199.5 (SI 1995/417)

16. These Regulations come into force on 3 June 1995 and are discussed in paragraph 22 below.

Financial and manpower implications

17. This Circular brings up to date previous advice. It does not itself have any financial or manpower implications for local planning authorities. The implications of the new provisions removing permitted development rights for development requiring environmental assessment are explained in DOE Circular 3/95 (WO 12/95).

SECTION I-SCOPE OF THE CONSOLIDATION

18. General development orders are among the main items of subordinate legislation under the 1990 Act. They include important deregulatory measures, granting a general planning permission for a wide range of specified classes of development, subject to certain limitations and conditions designed to protect amenity and the environment. They also set out the procedural requirements for planning applications and appeals, planning registers and related matters.

19. Since the last consolidation of the general development order in 1988, 16 amendment orders have been made. An additional amendment order, SI 1988/2091, was revoked by amendment order SI 1989/603 and therefore is not included in the present consolidation. The amendment orders revoked in this consolidation are set out in Schedule 3 to the Permitted Development Order and Schedule 5 to the Procedure Order.

20. In this consolidation, the GDO of 1988 has been divided into two orders, separating the provisions for procedures from those for permitted development. As well as updating legislative and other references, including the names of statutory consultees, the opportunity has been taken to make various minor drafting changes to improve clarity and consistency. Not all

affect the meaning of the provisions. Those which do so are described in Sections II and III below.

SECTION II-THE PERMITTED DEVELOPMENT ORDER

Main changes

21. The Permitted Development Order makes four main changes and a number of minor changes to the GDO provisions and these are described in the following paragraphs. Advice is then given on other provisions of the Permitted Development Order.

Environmental assessment

22. Article 3 is amended by the insertion of the new paragraphs (10) to (12). These provide that development requiring environmental assessment will not benefit from permitted development rights. The Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995, effective from 3 June 1995, provide for prospective developers to apply to the local planning authority for an opinion as to whether development which would otherwise be permitted development requires an environmental assessment and therefore a planning application. Guidance on these provisions is contained in DOE Circular 3/95 (WO 12/95).

Closed circuit television (CCTV) cameras

23. Class A of the new Part 33 extends permitted development rights to include the installation, alteration or replacement on shops, flats, houses and other buildings of CCTV cameras within specified limits on size and numbers. Up to four cameras are permitted on the same side of the building and up to 16 cameras on any one building, provided that they are at least 10 metres apart. Each camera must be sited so as to minimise its effect on the external appearance of the building and should be removed once it is no longer required for security purposes. The new permitted development rights apply in all areas, including article l(5) land, but not to listed buildings or scheduled monuments, where there are separate consent procedures.

Dwellinghouses in conservation areas

24. The new article 4(2) gives local planning authorities a discretionary power selectively to restrict specific permitted development in relation to dwellinghouses in conservation areas where the permitted development would front a highway,[1] waterway or open space. There is an exception for development carried out in an emergency. The procedure for making article 4(2) directions is set out in the new article 6. Local planning authorities are not required to obtain the Secretary of State's approval, but have to notify residents and take account of local views before deciding whether to confirm any article 4(2) direction. Further guidance on article 4(2) directions is given in paragraphs 14-20 of Appendix D to this Circular.

[1] Subject to any express limitations on what constitutes a highway in the orders, "highway" would include all public roads, footpaths, bridleways and byways over which the public have a right to pass.

Demolition in conservation areas

25. Article 4(2) directions may be used to withdraw permitted development rights for the demolition in a conservation area of a gate, fence, wall or other means of enclosure which is within the curtilage of a dwellinghouse and which fronts a highway, waterway or open space. These permitted development rights are given by the new Class B of Part 31 of Schedule 2.

26. To enable these permitted development rights to be given for such demolition, a new Direction, the *Town and Country Planning (Demolition—Description of Buildings) Direction 1995,* comes into force on 3 June 1995, replacing the 1994 Direction. The new Direction brings the demolition of the whole or part of any gate, fence, wall or other means of enclosure in a conservation area within the statutory definition of "development". Where a gate etc. is partly within and partly outside a conservation area, only demolition of the part within the conservation area constitutes development.

27. Full guidance on demolition is given in DOE Circular 10/95 (WO 31/95), "Planning Controls over Demolition". The Circular reproduces the 1994 and 1995 Directions and gives advice on their effect.

Minor changes

28. The following minor changes have been made to various GDO provisions. The following paragraphs refer to articles of the Permitted Development Order and Parts of Schedule 2 to that Order.

"Site of archaeological interest"

29. The meaning given in article 1 is amended to refer to records "adopted by resolution" (instead of "kept") by a county council.

Minerals applications in the Broads

30. In article 7(2)(a), the Broads are added to the kinds of land on which development permitted by Class B of Part 22 or Class B of Part 23 may be restricted by an article 7 direction made by a mineral planning authority.

Windows

3 1. Paragraph A.l(d) of Part 1 of Schedule 2 to the GDO excluded development from the permitted development rights given by Class A if the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height. This paragraph in the Permitted Development Order is amended to provide that this exclusion does not apply to a window in an existing wall in that location.

Advertisements

32. Class B of Part 4 is amended by the insertion of paragraph B.l(d) to provide that the temporary use of land for the display of an advertisement is not permitted development. This amendment removes a duplication. Any development involving the display of an advertisement, whether temporary or permanent, in accordance with the Town and Country Planning (Control of

Advertisements) Regulations 1992 (SI 1992/666), is granted deemed planning permission (but not advertisement consent) by section 222 of the 1990 Act.

Telecommunications

33. Paragraph A.2(2) of Part 24 is amended to provide that the land may alternatively be restored to "any other condition as may be agreed in writing between the local planning authority and the developer"; and paragraph A.2(4)(i) of Part 24 is amended to say "within 3 kilometres of the perimeter of an aerodrome". These amendments achieve consistency within Schedule 2.

Prior approval applications for demolition

34. Paragraph A.2(b)(iii) of Part 3 1 is amended to refer to the display of a site notice "by site display" (as now defined in article 1). This amendment, achieving consistency with the other provisions for statutory publicity, involves a requirement to post the site notice "by firm affixture to some object" so that it is "easily visible and legible by members of the public".

Further advice

Article I

35. Where terms occur only in a single class of Schedule 2 to the Order, they are defined in that class rather than in article 1.

36. A definition of "ground level" is given in article l(3). Measurements of height for the purposes of the Order are taken from the highest part of the adjoining land. The measurement should be taken from the "natural" ground *level (see Journal of Planning and Environment Law, 1979,* p. 491).

37. Schedule 2 to the Order includes references to "article l(4) land" (land in listed counties), "article l(5) land" (National Parks, areas of outstanding natural beauty, conservation areas, the Broads, etc.) and "article l(6) land" (National Parks and adjoining land, and the Broads). These categories of land are defined by articles l(4), l(5) and l(6) and Schedule 1 to the Order.

Article 4

38. In addition to the genera1 power to restrict permitted development in article 4(1), there is a new power to make directions, without the approval of the Secretary of State, under the new article 4(2). This relates specifically to dwellinghouses in conservation areas and is described more fully in paragraphs 24-27 above and paragraphs 14–20 of Appendix D to this Circular.

SCHEDULE 2

39. Schedule 2 sets out development permitted by article 3 of the Permitted Development Order. Parts (with arabic numerals) contain one or more self-standing alphabetically denoted classes (prefixed by capital letters). These classes may contain paragraphs which describe development not permitted by the class, impose conditions or give interpretations of the terms used. Some of the provisions of classes refer, *via* article 1(4), l(5) and 1(6), to land in Schedule 1. At the end of some Parts, there are paragraphs which give interpretations of terms used in those Parts.

Part I- Development within the curtilage of a dwellinghouse

40. Class A-

(a) permits extensions to dwellinghouses where the extension is not within 20 metres of a highway or where it is no nearer the highway than the original dwellinghouse;

(b) provides that any extension built within 2 metres of a boundary and involving development more than 4 metres above ground level is not permitted development (except in the case of windows in existing dwellinghouse walls-see paragraph 31 above);

(c) provides that--

(i) any building, erected within the curtilage of a dwellinghouse on *article l(5) land,* whose cubic content is more than 10 cubic metres, counts for the purposes of the general permission as if it were an enlargement of the dwellinghouse;

elsewhere, any building which is erected within the curtilage of a dwellinghouse and is within 5 metres of the dwellinghouse, and whose cubic content exceeds 10 cubic metres, counts as if it were an enlargement of the dwellinghouse; and

(ii) where a dwellinghouse is to be extended to within 5 metres of an existing building within the same curtilage, the cubic content of that existing building is taken into account when calculating the cubic content for the purposes of the permission;

(d) does not grant permission for the erection of a building within the curtilage of a listed building.

41. Class B deals specifically with development involving the enlargement of the roof of a dwellinghouse. On *article 1(5) land,* roof extensions to dwellinghouses are not permitted development. *Elsewhere,* roof extensions beyond the plane of a roof face fronting a highway are not permitted development. Otherwise, roof extensions may be permitted, subject to specific limits on the increase in volume. These are 40 cubic metres for terraced houses and 50 cubic metres for other dwellinghouses.

42. Class C deals with roof alterations not involving enlargement. It provides that any alteration to the roof of a dwellinghouse is permitted development, provided that the shape of the dwellinghouse is not materially altered. This does not permit extensions involving roof alterations (which are dealt with in Class Bj but would generally permit the replacement of a roof, irrespective of the materials used, or the insertion of rooflights.

43. Class E grants a permission for any building or enclosure within the curtilage of a dwellinghouse, required for a purpose incidental to the enjoyment of the dwellinghouse as a dwellinghouse. However, development is not permitted where it is within 20 metres of a highway or where it is nearer the highway than the original dwellinghouse. The provision of septic tanks may be development permitted by Class E. Class E excludes from permitted

TABLE 1

Class in Part 3 of Schedule 2 to the Permitted Development Order	*From UCO Class (if any)*	*To UCO Class (if any)*
A	A3 (food and drink)	Al (shops)
A	Sale or display for sale of motor vehicles'	Al (shops)
B(a)	B2 (general industrial)	B 1 (business)
B(a)	B8 (storage and distribution)[2]	B 1 (business)
B(b)	B1 (business)	B8 (storage and distribution)[2]
B(b)	B2 (general industrial)	B8 (storage and distribution)[2]
C	A3 (food and drink)	A2 (financial and professional services)
D	Premises within A2 (financial and professional services) with display window at ground floor level	Al (shops)
F(a)	Al (shops)	Mixed Al (shops) and single flat uses, other than a flat at ground floor level'
F(b)	A2 (financial and professional services)	Mixed A2 (financial and professional services) and single flat uses, other than a flat at ground floor level'
F(c)	Premises within A2 (financial and professional services) with display window at ground floor level	Mixed Al (shops) and single flat uses, other than a flat at ground floor level'
G(a)	Mixed Al (shops) and single flat uses'	Al (shops)
G(b)	Mixed A2 (financial and professional services) and single flat uses'	A2 (financial and professional services)
G(c)	Premises of mixed A2 (financial and professional services) and single flat uses with display window at ground floor level'	Al (shops)

[1] No use class is specified in the Schedule to the UCO for the sale or display for sale of motor vehicles, nor for mixed uses.

[2] Not permitted by the Permitted Development Order where change of use relates to more than 235 square metres of floor space in the building.

occupation during that period, and the site or adjoining land is not used by a caravan for more than 28 days in the preceding 12 months;

(b) a caravan site used by not more than three caravans on land which, together with any adjoining land in the same occupation, is not less than 5 acres, provided that the site or any adjoining land in the same occupation is not used by a caravan for more than 28 days in the preceding 12 months;

(c) a caravan site used by recreational caravanning organisations holding exemption certificates issued by the Secretary of State under paragraph 12 of Schedule 1 to the 1960 Act, being sites-

(i) occupied by and under the supervision of the exempted organisation;

(ii) certificated by the exempted organisation for not more than five caravans for the recreational use of its members; or

(iii) supervised by an exempted organisation and used for a meeting of its members, subject to a maximum of not more than five days at a time;

(d) a caravan site providing accommodation during a particular season for people employed in farming and forestry operations on land in the same occupation as the site of operations;

(e) a caravan site providing accommodation for people employed in connection with building or engineering operations on land forming part of or adjoining the site of operations;

(f) a caravan site for travelling showpeople who are members of a travelling showpeople's organisation holding a certificate, and who are travelling for the purposes of their business but not to take up winter quarters. The certificate shows that the organisation confines its membership to *bona fide* travelling showpeople.

52. Paragraphs 2 to 10 of Schedule 1 to the 1960 Act are subject to the provisions of paragraph 13 (power to withdraw certain exemptions) of that Schedule. In relation to land where an order under paragraph 13 applies, the permitted development rights in Part 5 may be similarly limited.

53. Class B grants planning permission for any development required by conditions attached to a site licence, for example, the erection of fences or the creation of a vehicular access which would otherwise need a specific planning permission.

Part 6-Agricultural buildings and operations

54. Part 6 gives permitted development rights for a range of agricultural buildings and operations. A description of these rights is given in Annex B of PPG 7, while guidance on the prior approval condition attached to some of those rights is given in Annex C of the same document.

55. Turf farming can come within the scope of Part 6 only if it is "reasonably necessary for the purposes of agriculture". Otherwise, the stripping of surface soil on any substantial scale is development for which planning permission is required. Under the Agricultural Land (Removal of Surface Soil) Act 1953, it is an offence to remove for sale more than 5 cubic yards of surface soil from

development the erection of buildings with a cubic content of more than 10 cubic metres anywhere within the curtilage of a dwellinghouse on article l(5) land or within the curtilage of a listed building.

44. Class F gives permitted development rights for the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such-for example, a patio.

45. Class G does not extend to permitting the erection or provision of a container for liquefied petroleum gas.

Part 3-Changes of use[1]

46. The Schedule to the Use Classes Order[2] ("the UCO") groups uses of land into classes. Material changes of use from one class to another constitute development requiring planning permission. Part 3 of Schedule 2 to the Permitted Development Order grants a general permission for changes of use between certain UCO classes. These provisions are summarised in Table 1.

47. Class F of Part 3 permits a change of use of premises used either as shops or for financial and professional services (within Classes Al or A2 of the UCO) to a mixed use as a single flat and Class A 1 or A2 uses within the same planning unit. However, any operational development, such as works which materially affect the external appearance of the building, will require planning permission. A change of use of the ground floor may be permitted if the shop is in the basement, provided that there is no display window on the ground floor. A flat may occupy more than one floor.

48. Class F does not permit a change of use to more than one flat. It also excludes changes of use where the flat exceeds the limits of Class C3 (dwellinghouses) of the UCO, ie a single person, or people living together as a family, or up to six residents living together as a single household (including a household where care is provided for residents).

49. The new Class G permits a change of use in the reverse direction to Class F.

50. Classes F and G of Part 3 do not permit changes of use between Class Al and A2 uses other than those already permitted by Class D of Part 3.

Part 5—Caravan sites

51. Class A of Part 5 grants planning permission for the use of land (but not buildings) as a caravan site where this is already exempted from the need for a caravan site licence under paragraphs 2 to 10 of Schedule 1 to the Caravan Sites and Control of Development Act 1960 ("the 1960 Act"). However, the use of land for travelling showpeople's winter quarters requires a specific planning permission. A general permission is therefore granted for:

(a) a caravan site used by a person travelling with one caravan and stopping for not more than two consecutive nights, provided that there is no other caravan on the site or adjoining land in the same

[1] Paragraphs 47-50 on the new Classes F and G repeat guidance in DOE and Welsh Office circular letters dated 16 February 1995, "Streamlining Planning". Those letters are now cancelled.

[2] The Town and Country Planning (Use Classes) Order 1987 (SI 1987/764), amended by SI 1991/1567, SI 1992/610, SI 1992/657, SI 19941724 and SI 1995/297.

agricultural land in any period of three months unless removal of the soil is "reasonably necessary" in the course of cutting turf.

56. National Park Authorities have powers under section 44 of the Wildlife and Countryside Act 1981 to give grants for purposes conducive to the conservation and enhancement of the natural beauty of the Parks. In general, such authorities should use their powers under Part 6 to influence and regulate the appearance of developments within the scope of that Part without the incentive of grant aid. Exceptionally, however, National Park Authorities may, when exercising their powers in accordance with section 44, consider that circumstances warrant their offering some measure of financial assistance to ensure that developers are not put to unreasonable extra expense in meeting planning requirements.

Part 7-Forestry buildings and operations

57. Part 7 gives permitted development rights for specified activities associated with forestry. Guidance on the prior approval condition attached to some of those rights is given in Annex C to PPG 7.

58. The discretionary power available to National Park Authorities to give grants under section 44 of the Wildlife and Countryside Act 1981, and the advice about this given in paragraph 56 above will also apply in relation to Part 7.

Part 8—Industrial and warehouse development

59. Part 8 permits various kinds of development in relation to industrial land and buildings, and warehouses. The constraint that parking and turning areas should not be reduced as a result of development permitted by Class A applies to both warehousing and industrial premises. The provision of a hardstanding within the curtilage of either an industrial building or a warehouse is permitted by Class C. Development at a mine and the deposit of waste resulting from the winning and working of minerals is excluded from Class D.

Part 15—Development by the National Rivers Authority

60. Part 15 gives permitted development rights to the National Rivers Authority for the purposes of their functions. This includes development in connection with drought orders under the Water Resources Act 1991.

Part 19—Development ancillary to mining operations

61. Part 19 grants permission for a limited range of ancillary mining development, subject to certain restrictions and conditions and, in some circumstances, the prior approval of the mineral planning authority. It does not apply to licensed coal mining operators. Unless otherwise agreed by the mineral planning authority, the development must be removed within 24 months of the end of mining operations and (except in relation to development permitted by Class C) the land must be restored to its condition before the development took place. Further guidance is given in MPG5.

Part 20-Coal mining development by the Coal Authority and licensed operators

62. Class A grants permission for development by a licensee of the Coal Authority, in a mine started before 1 July 1948, consisting of:

(a) the winning and working underground of coal or coal-related minerals in a designated seam area; or

(b) the carrying out of development underground which is required in order to gain access to and work coal or coal-related minerals in a designated seam area.

"Designated seam area" is defined by reference to a seam plan which was deposited with the mineral planning authority before 30 September 1993. If no such plan was deposited before that date, there is no designated seam area and therefore no permission under Class A. Any winning and working outside designated seam areas requires a grant of planning permission from the mineral planning authority.

63. The permission granted by the new Class A is subject to conditions requiring the reinstatement, restoration and aftercare of any land which is an authorised site used at any time in connection with any previous coal-mining operations at that mine. "Authorised site" is defined in paragraph F.2.

64. Class B grants a similar permission to licensees of the former British Coal Corporation, but without the conditions requiring the reinstatement, restoration and aftercare of land used in connection with previous coal-mining operations.

65. Classes C and D provide permissions to licensed operators (ie licensees of the Coal Authority or the former British Coal Corporation) for a range of surface development ancillary to underground mining activities on an "authorised site" as defined in paragraph F.2. Development under Class D is subject to the prior approval of the mineral planning authority. Both Classes are subject to conditions that, unless otherwise agreed by the mineral planning authority, the development should be removed within 24 months of the end of mining operations and that the land should be restored to its condition before the development took place.

66. Class E grants permission for the Coal Authority or a licensed operator to enable maintenance or safety works to be carried out at a mine or disused mine subject, in certain circumstances, to the prior approval of the mineral planning authority.

67. Further guidance on Part 20 is given in MPG3, and DOE and Welsh Office circular letters dated 1 November 1994 (although the class lettering has changed since then).

Part 21— Waste tipping at a mine

68. Class A grants permission for mineral operators to deposit waste derived from their operations on land used as a mine or on ancillary mining land already lawfully used for that purpose. The permission is subject to certain limits on the size of permitted deposits, unless otherwise provided for in a scheme required and approved by the mineral planning authority.

69. These rights are confined to premises used as a mine and "ancillary mining land" as defined in paragraph A.3. Only waste derived from the winning and working of minerals at that mine or from minerals brought to the surface at that mine, or from the treatment or preparation of such minerals, may be deposited under this class. The permission does not extend to waste derived from other sources or imported from other mines. Paragraph A.1 imposes certain limits on the height and superficial area of permitted deposits. Paragraph A.2 enables the mineral planning authority to require the developer to submit a scheme making provision for the manner in which the waste is to be deposited, the preliminary stripping and storage of soils, the restoration and, where appropriate, the aftercare of the site.

70. Class B grants permission for the continued remote tipping deposit of waste resulting from coal mining operations, provided it is on land which was already used for the deposit of waste materials or refuse on 1 July 1948 and the development is in accordance with a scheme approved by the mineral planning authority before 5 December 1988.

Part 22—Mineral exploration

71. Class A permits exploratory drilling, excavations, seismic surveys and ancillary development for a period not exceeding 28 days for the purpose of mineral exploration. The land must be restored once exploration has ceased. The permission is subject to the specific limitations and conditions set out in paragraphs A. 1 and A.2 and, unlike the permission in Class B of Part 22, can be withdrawn by a direction under article 4(1).

72. Class B permits the same operations to be carried out for six months (or such longer period as the mineral planning authority have otherwise agreed in writing) under the less restrictive limitations and conditions set out in paragraphs B.l and B.2, provided that the developer has given the mineral planning authority 28 days' prior notification of his intentions. The land must be restored once development has ceased. The permission is indefinitely renewable in respect of the same land by the service of further notice on the mineral planning authority, but can be withdrawn by a direction under article 7.

73. Classes A and B of Part 22 do not permit development consisting of the drilling of boreholes for oil and gas exploration.

Part 27— Use by members of certain recreational organisations

74. Part 27 permits the erection or placing of tents on land by members of a recreational organisation holding a certificate of exemption under section 269 of the Public Health Act 1936. However, this excludes the use of buildings and of land within the curtilage of a dwellinghouse. At present the certificated organisations are: The Boys Brigade; The Scout Association; The Girl Guides Association; The Salvation Army; The Church Lads' and Church Girls' Brigade; The National Council of YMCAs; The Army Cadet Force Association; The Caravan Club; The Camping and Caravanning Club; and The London Union of Youth Clubs.

Part 32-Schools, colleges, universities and hospitals[1]

75. Class A of the new Part 32 permits the erection of outbuildings and extensions on the site of a school, college, university or hospital, subject to specified limits on size and location, and certain conditions.

76. Development may be permitted for each site where the buildings are predominantly for the main functional purpose, ie the provision of educational or health or medical services. Development is not permitted by this Part on sites where the buildings are predominantly for ancillary purposes, for example, halls of residence. Whether a site consists of buildings used predominantly for main functional or ancillary purposes would need to be determined on a case-by-case basis.

77. In order to protect against the loss of playing fields, Part 32 does not permit development if it would result in the loss of, or the loss of the use of, any playing field on the site (such as football, hockey and cricket pitches, but not squash and tennis courts or golf courses).

SECTION III-THE PROCEDURE ORDER

Main changes

78. The Procedure Order makes two main changes and several minor changes to the GDO provisions and these are described in the following paragraphs. Advice is then given on other provisions of the Procedure Order.

Notices and certificates

79. Articles 6, 7 and 8 are amended to allow the notices and certificates to be "in a form substantially to the like effect" as those prescribed in Schedules 2 and 3. This amendment gives some flexibility to users not to adhere to the precise form of the prescribed documents but to follow their content and meaning.

Statutory consultees

80. Article 10 (consultations before the grant of permission) is amended to require local planning authorities in England to consult the Historic Buildings and Monuments Commission for England (English Heritage) on planning applications for development which is likely to affect any Grade I and Grade II* park or garden. Such parks and gardens are recorded in the Register of Parks and Gardens of special historic interest in England, which is maintained by English Heritage. The Register is described in paragraph 4 of Appendix B to this Circular. Further advice on the interim arrangements for Wales and on statutory consultees generally is given in Appendix B.

81. In addition, the Secretary of State has made a direction to all local planning authorities in England requiring them to consult the Garden History Society on planning applications for development which, in the opinion of the authority, is likely to affect all three grades of park or garden on the Register. The Direction is reproduced at Appendix C and further information is given in Appendix B.

[1] Paragraphs 75-77 repeat guidance in DOE and Welsh Office circular letters dated 16 February 1995, "Streamlining Planning". Those letters are now cancelled.

Minor changes

82. The following minor changes have been made to the articles of the Procedure Order indicated.

New streets

83. The table in article 10 (consultations before the grant of permission) is amended to incorporate, as paragraph (i) of the table, the requirement—previously in article 16(1) of the GDO-for consultation with the local planning authority in relation to development consisting of or including the laying out or construction of a new street. (References to new street byelaws—previously in article 16(1) and (2) of the GDO-are omitted from the Procedure Order. Although new street orders are extant, new street byelaws were abolished by section 8 1 of the 199 1 Act.)

Certificates of lawful use or development

84. Article 24(l)(c) is amended to refer to "the use existing at the date of the application" (instead of "the existing use"), in the context of applications for lawful development certificates.

Planning register

85. In article 25(1 l)(d), an addition has been made which provides for an application to be treated as finally disposed of when it has been withdrawn before being decided by the Secretary of State.

Further advice

86. In addition to the advice given in the following paragraphs on particular articles of the Procedure Order, Appendices A and B to this Circular give general advice on best practice in the handling of planning applications and on statutory and non-statutory consultations for local planning authorities to carry out before the grant of any planning permission.

Article 3 (applications for outline planning permission)

87. An applicant for outline planning permission may reserve the five "reserved matters" defined in article l(2). Article 3(1) is permissive and allows a local planning authority not to reserve a matter. Local planning authorities should therefore ensure that any permission granted makes clear whether a further application for approval is necessary and, if so, what remains to be approved. The advice in paragraph 37 of DOE Circular 1/85(WO1/85), "The use of conditions in planning permissions", is also relevant in this context. The local planning authority may also call for details under article 3(2); if the applicant fails to respond, the application will not be invalidated and an appeal may be made to the Secretary of State on the ground of non-determination, in accordance with article 23(2)(c).

Article 5 (general provisions relating to applications)

88. The local planning authority must acknowledge an application which has been made in accordance with the criteria in article 5(2), and cannot refuse to accept such an application. An applicant's failure to respond to a direction by the local planning authority under regulation 4 of the Applications

Regulations, or to a notification under article 3(2) of the Procedure Order, does not invalidate the application.

Article 6 (notice of applications for planning permission)

89. Notice of a planning application must be served by the applicant on any owner (other than the applicant) whose name and address are known to him. Where he has taken reasonable steps to ascertain the names and addresses of owners but has been unable to do so, notice has to be given by local advertisement after the "prescribed date". This is defined as "the day 21 days before the date of the application". "Owner" includes the freeholder or a leaseholder whose lease has seven or more years to run, and, in the case of applications in respect of the winning and working of minerals, people entitled to an interest in any mineral in the land (other than oil, gas, coal, gold or silver). Notices also have to be served on tenants of agricultural holdings.

90. There is an alternative notification procedure for applications for *underground minerals development.* This recognises that owners of land overlying mines may be numerous and difficult to trace. Applicants must therefore notify as many owners whose names and addresses are known to them and post notices in every parish or community which includes land comprised in the application. Notices have to be in place for not less than seven days in the period of 21 days preceding the application. Where the notice is removed, obscured or defaced during the seven-day period, the applicant is treated as having complied with the notice provisions if he has taken reasonable steps to protect it. Applicants must also publish a notice in a local newspaper.

91. The notices to be used may be as set out in Part 1 of Schedule 2 or in a form substantially to the like effect.

Article 7 (certificates in relation to notice of applications for planning permission)

92. Article 7 specifies how applicants should certify to the local planning authority that the notification requirements of article 6 have been satisfied. *Certificate A* is used when the applicant is the sole owner of the site; *Certificate B* when the applicant has identified and notified all other owners; *Certificate* C when the applicant has identified and notified some but not all of the other owners; and *Certificate D* when none of the owners has been identified and notified. For all applications, the applicant must complete the *agricultural holdings certificate.*

93. The certificates to be used may be as set out in Part 1 of Schedule 2 or in a form substantially to the like effect.

Article 13 (notice to parish and community councils)

94. The local planning authority determining a planning application must on request notify a parish or community council within their area of any relevant planning application and any alteration to that application (see paragraph 8 of Schedule 1 to the 1990 Act, substituted by paragraph 53(5) of Schedule 7 to the 1991 Act). It is helpful if parish and community councils limit their requests to the kinds of applications on which they would wish to comment.

Article 14 (direction by the Secretary of State)

95. In addition to restricting the grant of planning permission, article 14 enables the Secretary of State to give directions relating to environmental assessment (see DOE Circular 15/88 (WO 23/88)).

Article 20 (time periods for decision)

96. The usual eight-week period for decision starts from the date when the application, accompanying documents and fee have been received by the local planning authority, as specified by article 20(3). Where environmental assessment is required, the time period is extended to 16 weeks and the environmental statement and accompanying documents must also have been received by the authority (see paragraph 2 of Appendix A to this Circular).

Article 23 (appeals)

97. This article requires a notice of appeal to be sent to the Secretary of State and a copy of the form to be sent to the local planning authority concerned, to help speed the appeal process. The article also prescribes the documents which should accompany the notice of appeal. Appeal forms can be obtained from the Planning Inspectorate, Tollgate House, Houlton Street, Bristol BS2 9DJ or, in Wales, the Planning Inspectorate, Cathays Park, Cardiff CF1 3NQ.

98. The Secretary of State will in general only extend the time limit for appeals where an appellant can demonstrate that every reasonable attempt was made to give notice within the six-month period. Further details of the procedure for handling appeals are given in the following:

> DOE Circular 18/86 (WO 54/86), "Planning appeals decided by written representations";
>
> DOE Circular 11/87 (WO 21/87), "The Town and Country Planning (Appeals) (Written Representations Procedure) Regulations 1987";
>
> DOE Circular 10/88 (WO 15/88) "The Town and Country Planning (Inquiries Procedure) Rules 1988 (SI 1988 No. 944); The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1988 (SI 1988 No. 945); Code of Practice on Preparing for Major Planning Inquiries in England and Wales; Code of Practice for Hearings into Planning Appeals"; and
>
> DOE Circular 24/92 (WO 47/92), "The Town and Country Planning (Inquiries Procedure) Rules 1992 (SI 1992 No. 2038); The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) Rules 1992 (SI 1992 No. 2039)".

Article 2.5 (register of applications)

99. Section 69 of the 1990 Act obliges local planning authorities to keep Registers of the planning applications made to them. Part I of the Register records applications pending, and Part II applications which have been decided. It is generally accepted that the index should be arranged by street or map reference. Guidance on the keeping of planning Registers was given in

the Joint Practice Note prepared by the Joint Working Party of the Royal Institute of Chartered Surveyors, the Royal Town Planning Institute and the Law Society (published in *The Planner,* January 1987, pp. 20-23).

100. Members of the public are entitled to see any document held on the Planning Register. Planning authorities are not obliged to supply copies of material on the Register to members of the public or to permit them to make copies. Where such material is copied or issued to members of the public for the purpose of enabling it to be inspected at a more convenient time or place, section 47(2) of the Copyright, Designs and Patents Act 1988 confers a protection from infringement of copyright.

RICHARD JONES, *Assistant Secretary*
PETER RODERICK, *Assistant* **Secretary**

The Chief Executive
County Councils in England and Wales
District Councils in England and Wales
London Borough Councils
Council of the Isles of Scilly

The Town Clerk, City of London

The National Park Officer
National Parks in England and Wales
Lake District Special Planning Board
Peak Park Joint Planning Board

The Chief Executive, The Broads Authority

The Chief Executive, Urban Development Corporations

[DOE PDC 5/8/06]
[WO PAA 08/04/009]

(This Appendix supersedes Appendix A to DOE Circular 22/88 (WO44/88))

BEST PRACTICE IN HANDLING PLANNING APPLICATIONS

EFFICIENCY AND SPEED OF DECISIONS

1. Unnecessary delays in the development control system can result in wasted capital, delayed production, postponed employment and lower profitability. They also generate a great deal of frustration and have a major impact on the way the public perceives the planning system. Local planning authorities are under a clear duty to decide applications as quickly as is compatible with the need to preserve the quality of decisions.

2. Applicants have the right to appeal to the Secretary of State if their valid application is not determined within eight weeks of receipt (or within any longer period agreed with the authority in writing) and the authority have not declined to determine the application under section 70A of the 1990 Act (inserted by section 17 of the 199 1 Act). The eight-week period does not apply in the case of applications subject to environmental assessment. For further guidance see paragraph 6 of Appendix B to DOE Circular 15/88 (WO 23/88) and regulation 16(2) of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 (SI 1988/1 199) (inserted by SI 199211494).

3. The Secretaries of State have set local planning authorities the target of deciding 80 per cent. of applications within eight weeks of receipt. This target recognises that some 20 per cent. of applications will be too complex or controversial to be decided within this period. The performance of authorities against this target is monitored closely and details are published quarterly. To ensure the effectiveness of this monitoring, local planning authorities in England and Wales are asked to return their planning statistics forms within four weeks of the end of each quarter. Forms should be sent to: Housing and Planning Statistics Unit, Department of the Environment, Room 1612, Tollgate House, Houlton Street, Bristol BS2 9DJ (telephone 01179 878051) or, in Wales, Planning Division, Welsh Office, Room G003, Cathays Park, Cardiff CF1 3NQ (telephone 01222 823029).

4. Demanding targets have also been set for the Planning Inspectorate Executive Agency to ensure that unnecessary delays in the handling of appeals are kept to a minimum. These targets are revised annually and are published in the Inspectorate's Business Plan. Performance against the preceding year's targets is reported in the Inspectorate's Annual Report and Accounts. Local planning authorities are asked to help keep the handling times down by returning their appeal questionnaires and statements within the requested timescales.

5. Guidance on best practice in the handling of planning applications has been published by the National Development Control Forum (now the National Planning Forum) and in the Audit Commission's report, "Building in Quality: a Study of Development Control" (1992, HMSO), as well as the Welsh Office's "Development Control-A Guide to Good Practice".

Recommendations for improving the efficiency of the development control process include:

- making a planning officer available during office hours to give general information and advice;
- encouraging pre-application discussions;
- setting a target date for deciding each application;
- taking decisions at the appropriate level, including delegation to officers;
- arranging short (at most three or four-week) committee cycles;
- adhering to consultation deadlines and monitoring the performance of consultees;
- if a decision is likely to be delayed, writing to the applicant with a clear explanation of the reasons for the need for further time;
- allowing applicants to amend applications for approval of reserved matters or small details of full applications, provided that this does not materially change the character of the development;
- issuing decision letters promptly; and
- publishing detailed service commitments and a record of performance against these and the Government's target, with explanations if the targets are missed.

6. The Secretaries of State commend these recommendations to local planning authorities. They are embodied in "Development Control-A Charter Guide" (1993), which provides a model text for authorities wishing to make their own service commitments, and in "Planning: Charter Standards" (1994). Both are published jointly by the National Planning Forum, the Department of the Environment and the Welsh Office. Local planning authorities are urged to ensure that they provide the quality of service outlined in these publications.

REQUESTS FOR INFORMATION

7. Local planning authorities and those whom they consult about planning applications should be alert to the costs and delays imposed on developers by requests to provide information and to redesign basically satisfactory schemes to accommodate minor points of detail. In particular, authorities and consultees should:

- not demand more information than they need in order to reach a decision;
- not ask for additional information on outline applications unless a decision cannot be reached without it;

when asking for additional information, give the applicant a clear and comprehensive list of questions; and

not lightly ask applicants to commission expensive redesign work, especially at a late stage.

8. The Secretaries of State also acknowledge the part applicants have to play in the efficient processing of planning applications. They stress the importance of submitting properly presented applications containing all information necessary for a decision and then providing additional information promptly when it is reasonably requested.

(This Appendix supersedes Appendix C to DOE Circular 22/88 (WO 44/88))

CONSULTATIONS BEFORE THE GRANT OF PLANNING PERMISSION

STATUTORY CONSULTATION

General

1. Articles IO-13 of the Procedure Order require that various interested bodies should be given an opportunity to comment on applications for specified types of development before permission can be granted. Consultees must be given at least 14 days' notice of the proposal so that they can comment if they wish to do so. Once the relevant period of notice has expired, there is no obligation to delay the application to await comments from consultees, unless an agreement to allow a longer period has been made. Where an applicant sends a copy of the application direct to a consultee under article 10, the 14-day period begins from the service of the application on the consultee. In other cases, the authority should notify the consultee as soon as is practicable, giving a deadline for response of at least 14 days, but with the aim of enabling the application to be decided as quickly as possible. For environmental assessment cases, consultation requirements are set out in the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 and the accompanying DOE Circular 15/88 (WO 23/88).

2. Local planning authorities should consider ways of speeding up the consultation process. Providing full documentation promptly is obvious, but other methods should be explored in conjunction with consultees. In particular, where a body is frequently consulted it may be useful to hold regular meetings with representatives of that body to deal with a number of applications at one time. Some consultees have also found it useful to send an officer regularly to inspect new applications in order to decide which warrant full comment and which will prove unobjectionable. Whatever avenues are pursued, authorities should ensure that they adhere to deadlines for consultation so far as reasonably practicable and should monitor the performance of consultees in achieving those deadlines. If some consultees are found consistently to be failing to achieve deadlines, authorities should discuss with them methods of reducing delay.

3. Some consultees complain that local planning authorities consult them on proposals which clearly fall outside the criteria for consultation. While authorities will wish to carry out consultation when there is doubt as to whether the proposal falls within the criteria, consultation on cases which fall clearly outside the criteria leads to delay and increases the demands on consultees' time and resources. It should therefore be avoided.

Historic parks and gardens in England'

4. The Register of Parks and Gardens of special historic interest maintained by English Heritage is published in a set of county volumes, arranged alphabetically. Local authorities should already have copies of the volumes of

[1] Paragraph 4 reproduces guidance given in DOE circular letter dated 28 April 1995 to English local planning authorities, covering the Town and Country Planning (Consultation with the Garden History Society) Direction 1995. That letter is now cancelled.

the Register relating to their area. Within each county volume, the sites are listed alphabetically by site name. Details of District and Grade are given along with information on the Parish, the National Grid reference and a descriptive text. The entries are supported by site boundary maps. English Heritage intends to write separately to all local authorities with up-to-date summary sheets of the relevant Register volumes. English Heritage will notify individual authorities (at both district and county level) when changes made to the Register concern sites in their area. Any enquiries about the Register should be addressed to Dr H Jordan, Inspector of Historic Parks and Gardens, English Heritage.

Garden History Society'

5. The effect of proposed development on a registered park or garden or its setting is already a material consideration in determining planning applications. Following a recommendation by the House of Commons National Heritage Committee, the Department issued a consultation paper on 10 November 1994, entitled "Permitted Development Rights for Dwelling Houses in Conservation Areas; Planning Applications affecting Historic Parks and Gardens". In the light of the comments received, the Secretary of State has decided that the Garden History Society should be consulted on planning applications affecting historic parks and gardens. This will ensure that local planning authorities in England receive the specialised advice necessary for informed decision-making.

Historic parks and gardens in Wales

6. In Wales, Cadw: Welsh Historic Monuments is working with the International Council on Monuments and Sites UK to prepare a Register of historic parks and gardens in the Principality. A Register for the County of Gwent has been produced and the entire Welsh Register is expected to be completed by the end of 1996. Arrangements for consultation similar to those for England will then be introduced in Wales.

7. Meanwhile, Welsh local planning authorities are encouraged to keep the importance of Welsh historic parks and gardens in view. As Registers for the Welsh Counties are produced, authorities are asked to consult Cadw: Welsh Historic Monuments on planning applications in respect of Grade I and Grade II* sites and the Garden History Society on all three grades.

NON-STATUTORY CONSULTATION AND PUBLICITY

Development by statutory undertakers

8. Proposals for development by statutory undertakers which are the subject of planning applications will, of course, be subject to the same arrangements for publicity as,other applications. It is also desirable for publicity to be given to some proposals for development covered by the permissions given to statutory undertakers in the Permitted Development Order (see paragraph 33 of DOE Circular 15/92 (WO 32/92)).

[1] Paragraph 5 reproduces guidance given in DOE circular letter dated 28 April 1995 to English local planning authorities, covering the Town and Country Planning (Consultation with the Garden History Society) Direction 1995. That letter is now cancelled.

9. The chief concern is that there should be arrangements for advance notifications and publicity for individual proposals, wherever appropriate. Statutory undertakers should therefore ensure that both local planning authorities and the public know of proposals for permitted development which are likely to affect them significantly, before the proposals are finalised. That apart, there will often be value in regular informal contact between statutory undertakers and planning authorities. One benefit to be gained from such contacts is that statutory undertakers themselves will be given timely warning of proposed development by other people for which *services* will be required, and of proposed development which might interfere with existing services. This will be of particular value in speeding consultation.

10. It is impossible to give an exhaustive list of the kinds of development to which these arrangements should apply. Developments which might be of little or no significance on some sites might have a substantial effect in sensitive areas, such as conservation areas.

11. The difficulty of defining classes of development and sensitive areas in general terms makes it the more important that there should be local consultation between statutory undertakers and planning authorities. Consultation may be initiated either by the undertakers or by the authority. In either case, the primary object should be to establish the kinds of development to be notified and the areas which the authority consider important. In some areas, there will be a need for continuing consultation with regular meetings between the undertakers and the authorities.

12. Where a proposal is notified to an authority, adequate time should be allowed for them to consider whether the proposal should be advertised and for discussion about ways in which the proposal might be amended to overcome any planning objections. Authorities, for their part, should decide quickly whether advertisement is needed. In exceptional cases, the authority may consider that normal planning control should apply. It will then be open to them-except in the case of the development specified in articles 4(3) and 4(4) of the Permitted Development Order-to make and submit to the Secretary of State a direction under article 4(1) of that Order. It is important that these arrangements for publicity should also apply to development by statutory undertakers permitted under Part 17 of Schedule 2 to the Permitted Development Order, even though in some cases no article 4(1) direction can be made.

Level crossing safety*

13. Paragraph (e)(ii) of the table in article 10(1) of the Procedure Order requires local planning authorities to consult the operator of the network which includes or consists of the railway in question, and, in England, the Secretary of State for Transport or, in Wales, the Secretary of State for Wales, before granting planning permission for development, which in their opinion is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway. Consultation should take place for development affecting both public and private level crossings, including non-vehicular crossings, such as footpaths and bridleways. However, the effect that proposed developments might have on

[1] Paragraphs 13-16 reproduce, with revised references and minor amendments, the text of DOE Circular 27/92 (WO 62/92). That Circular is now cancelled.

level crossings is often not appreciated and authorities may not be aware of all the occasions on which they should consult. Further guidance is therefore given below.

14. The types of development on which local planning authorities should consider consulting include:

(a) those requiring road alterations, for example, the construction of roundabouts or junctions for access to new estates, both of which can cause tailbacks on to crossings;

(b) the construction of houses, schools, or leisure facilities near to crossings, which can increase the numbers of vehicles and pedestrians using the crossings; and

(c) the construction and location of access to industrial or similar premises near to crossings where turning traffic (particularly large or slow-moving vehicles) may cause tailbacks across level crossings.

Any new layout of roads near a crossing should not make the crossing or its associated signs and signals less conspicuous. It may be necessary to supplement the latter.

15. Local highway authorities should also consider carrying out the same consultations for highway schemes which, although not covered by paragraph (e)(ii) of the table in article 10(1), might affect level crossing safety. Examples are road closures or alterations to priority within 200 metres of a level crossing which may cause tailbacks, and the construction of a road close to and running parallel to a railway which will make modernisation of existing crossing equipment difficult. The same consultation should also be carried out on development plan proposals affecting level crossings.

16. Copies of planning applications should be submitted to the consultees together with a plan (supplied by the applicant) clearly showing the position of the crossing involved, quoting the six-figure grid reference of the crossing or giving the name of the street on which the crossing lies, so that it may be readily identified. A plan should also be provided in sufficient detail to locate all accesses close to the crossing together with indications of any highway changes which might affect queuing distances. Planning authorities should offer their views and those of the local highway authority about the extent of the effects of the development on the safety of the level crossing. This information should be sufficient to establish the changes in traffic levels which may result from the proposed development. If authorities are uncertain about what information is required, they may contact HM Railway Inspectorate.

OTHER NON-STATUTORY CONSULTATION

17. Various Circulars and other guidance have advised local planning authorities to consult on development proposals. Table 2 lists other non-statutory consultees and the criteria to be applied (together with any relevant guidance).

TABLE 2

Consultee	*Criteria*
Regional Councils for Sport and Recreation	Proposals which would lead to the loss of sports facilities (PPG 17, "Sport and Recreation")
National Rivers Authority	Proposals which could lead to increased industrial discharge into a river or estuary and in relation to development in areas at risk from flooding (DOE Circular 30/92 (WO 68/92), "Development and Flood Risk")
Ministry of Agriculture, Fisheries and Food in England and, in Wales, the Welsh Office Agriculture Department	Where technical clarification is needed on agricultural land quality (Annex A of PPG 7)
HM Inspectorate of Pollution	Proposals sited within 500 metres (measured from the site boundary) of a process subject to Integrated Pollution Control under Part 1 of the Environmental Protection Act 1990, or subject to the Control of Industrial Air Pollution (Registration of Works) Regulations 1989 (SI 1989/3 18)
Local Authority Environmental Health Officers	Proposals sited within 250 metres (measured from the site boundary) of a process subject to Local Authority Air Pollution Control under Part 1 of the Environmental Protection Act 1990
Health and Safety Executive	Developments involving substances and quantities notifiable under the Control of Industrial Major Accident Hazard Regulations 1984 (SI 1984/1902) which do not require hazardous substances consent under the Planning (Hazardous Substances) Act 1990
Rights of way interests	Proposals for development affecting rights of way (DOE Circular 2/93 (WO 5/93), "Public Rights of Way")
Police Architectural Liaison Officers and, in the Metropolitan police service, Crime Prevention and Design Advisers	Planning applications where there is potential to reduce criminal activity through the adoption of appropriate measures at the design stage (DOE Circular 5/94 (WO 16/94), "Planning Out Crime")

ADDRESSES FOR CONSULTATION

Cadw: Welsh Historic Monuments, Brunel House, 2 Fitzalan Road, Cardiff CF2 1UY. Tel. 01222 465511

The Coal Authority, Bretby Business Park, Ashby Road, Burton-on-Trent, Staffordshire DE1 5 OQD. Tel. 01283 550500

Countryside Council for Wales, Plas Penrhos, Ffordd Penrhos, Bangor, Gwynedd LL57 2LQ. Tel. 01248 370444

Department of National Heritage, Heritage Division, 2-4 Cockspur Street, London SW1Y 5DH. Tel. 0171 211 6000

English Heritage (Historic Buildings and Monuments Commission for England), Fortress House, 23 Savile Row, London W1X1AB. Tel. 0171 973 3000

English Nature, Headquarters, Northminster House, Peterborough, Cambridgeshire PE11UA. Tel. 01733 340345. (Addresses of local offices are listed in Annex H to PPG 9)

The Garden History Society, Station House, Church Lane, Wickwar, Wotton-under-Edge, Gloucestershire GL12 8NB. Tel. 01454 294888

Health and Safety Executive: the local HSE Area Office for the area concerned

The National Rivers Authority, Eastbury House, 30-34 Albert Embankment, London SE1 7TL. Tel. 0171 820 0101

Rivers House, Waterside Drive, Aztec West, Almondsbury, Bristol BS12 4UD. Tel. 01454 624400

HM Railway Inspectorate, Baynards House, 1 Chepstow Place, Westbourne Grove, London W2 4TF. Tel. 0171 717 6000

Regional Councils for Sport and Recreation: addresses are given in Annex D to PPG 17

The Theatres Trust, 22 Charing Cross Road, London WC2H OHR. Tel. 0171 836 8591

DIRECTION TO LOCAL PLANNING AUTHORITIES IN ENGLAND TO CONSULT THE GARDEN HISTORY SOCIETY

(This Appendix reproduces the Direction sent to English local planning authorities under cover of DOE circular letter dated 28 April 199.5. That letter is now cancelled.)

To all local planning authorities in England

TOWN AND COUNTRY PLANNING
(CONSULTATION WITH THE GARDEN HISTORY SOCIETY)
DIRECTION 1995

The Secretary of State for the Environment, in exercise of the powers conferred upon him by article 18(3) of the Town and Country Planning General Development Order 1988(a), and of all powers enabling him in that behalf, hereby directs local planning authorities in England as follows—

1. This Direction shall come into force on 3 June 1995 and apply in respect of any application for planning permission received by a local planning authority on or after that date.

2. Before granting planning permission for development which, in their opinion, is likely to affect any garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953(b), a local planning authority shall consult the Garden History Society which was registered as a charity on 9 January 1968 and whose charity registration number is 254773.

Signed by authority of the Secretary of State

RICHARD JONES
Assistant Secretary
Department of the Environment
28 April 1995

(a) SI 1988/1813.
(b) 1953 c. 49; section 8C was inserted by section 33 of, and paragraph 10 of Schedule 4 to, the National Heritage Act 1983 (c. 47).

out development which could damage an interest of acknowledged importance and address the harm which might arise from the exercise of permitted development rights, referring in particular to any rights exercisable for limited periods. The nature of the proposal should be stated and an explanation given of its likely effect;

(c) where the direction is not aimed at an immediate threat, the measures taken to inform those with an interest about the proposed direction and of any representations received;

(d) where a wide area direction as in paragraph 6 above is proposed, any special topographical features which make the area particularly vulnerable to damage should be stated, as well as (if applicable) the fact that the area is in a National Park or an Area of Outstanding Natural Beauty, etc.;

(e) where visual considerations are important, particularly where the direction would affect such areas as conservation areas, photographs of the site and its surroundings. Cases of urgency need not be delayed for this; and

(f) where there is urgency, the reasons for urgent treatment and the period within which a decision is needed.

13. Model article 4(1) directions are at Notes 1 and 2 below.

(This Appendix supersedes Appendix D to DOE Circular 22/88 (WO44/88))

ARTICLE 4 DIRECTIONS

GENERAL POLICY

1. Article 4(1) and the new article 4(2) of the Permitted Development Order enable local planning authorities to make directions withdrawing permitted development rights given under Schedule 2 to that Order. However, permitted development rights have been endorsed by Parliament and consequently should not be withdrawn locally without compelling reasons. Generally and subject to the guidance in this Appendix, permitted development rights should be withdrawn only in *exceptional circumstances.* Such action will rarely be justified unless there is a *real and specific threat,* ie there is reliable evidence to suggest that permitted development is likely to take place which could damage an interest of acknowledged importance and which should therefore be brought within full planning control in the public interest.

2. Any application for planning permission made necessary because of a direction under article 4 must be considered on its merits in the normal way. Refusal of planning permission following the making of an article 4 direction, or the grant of planning permission subject to conditions other than those imposed by the Permitted Development Order, may give rise to a claim for compensation under section 108 of the 1990 Act for abortive expenditure, or other loss or damage directly attributable to the withdrawal of permitted development rights. Whilst there is no time-period within which such planning applications have to be made, claims for compensation must be made within 12 months of the date of the decision on the planning application or any longer period which may be allowed by the Secretary of State.

ARTICLE 4(1) DIRECTIONS, REQUIRING THE SECRETARY OF STATE'S APPROVAL.

3. Applications for the Secretary of State's approval of article 4(1) directions will be considered in the light of the general policy set out above, together with other considerations which may apply. The boundaries of land subject to directions should be drawn as tightly as possible having regard to the circumstances of the case. Directions covering wide areas of land ("wide area directions") will not normally be approved.

4. Before making an article 4(1) direction, local planning authorities should consider their powers to require the prior approval of certain details of development permitted by various Parts of Schedule 2 to the Permitted Development Order. These details are the siting, appearance etc. of development within Class A of Part 6 (agricultural buildings and operations), Part 7 (forestry buildings and operations) and Part 24 (development by telecommunications code system operators), and the method of demolition and any site restoration for development within Class A of Part 3 1 (demolition of buildings). Where prior approval powers are available to control permitted development, authorities will need strong justification for removing permitted development rights altogether.

Agriculture and countryside

5. Directions bringing agricultural and forestry permitted development under full planning control will rarely be justified unless there is a real, specific and serious threat to amenity. A local planning authority which makes an article 4(1) direction will normally need to satisfy the Secretary of State that the exceptional beauty or topography of the area covered by the direction is particularly vulnerable to damage from the indiscriminate erection of agricultural or non-agricultural buildings and the carrying out of other permitted development.

6. Wide area directions covering whole National Parks or Areas of Outstanding Natural Beauty are likely to be approved only in exceptional circumstances.

7. Local planning authorities may also wish to make article 4(1) directions withdrawing permitted development rights (for example, for minor operations in Part 2 of Schedule 2 to the Permitted Development Order) because of concern about the sub-division of, or loss of, agricultural land. In such cases, they will normally need to satisfy the Secretary of State that the development which they seek to control is likely to take place and would, if not controlled, seriously affect the attractiveness of the surrounding countryside.

Conservation areas

8. Guidance on the making of article 4(1) directions in conservation areas in England is given in PPG 15 and, in Wales, in Welsh Office Circular 6 1/8 1. (For directions under article 4(2), see paragraphs 14-20 below.)

Dwellinghouses

9. Directions relating to permitted development in Part 1 of Schedule 2 to the Permitted Development Order should normally be made only where the dwellinghouse itself or the locality is of a particularly high quality. (For directions under article 4(2), see paragraphs 14-20 below.)

Telecommunications

10. Policy guidance on the making of article 4(1) directions covering development by telecommunication code system operators is given in PPG 8.

PROCEDURE FOR ARTICLE 4(1) DIRECTIONS

11. The procedure for article 4(1) directions is set out in article 5 of the Permitted Development Order. The following arrangements also apply.

12. Applications to the Secretary of State for approval of article 4(1) directions should be accompanied by two sealed copies and one unsealed copy of the direction and plan, and a full statement of the authority's reasons for making it. Authorities should include:

(a) a description of the site and/or area covered by the direction, and of the character of the surroundings;

(b) the grounds on which the authority consider that the direction is needed. Authorities should identify any known proposals to carry

NOTE 1

MODEL FOR ARTICLE 4(1) DIRECTION, REQUIRING THE SECRETARY OF STATE'S APPROVAL

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

DIRECTION MADE UNDER ARTICLE 4(1)

WHEREAS the Council of the County/District of .....) being the appropriate local planning authority within the meaning of article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on the land shown edged/coloured . . . .on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

SCHEDULE'

Given under the Common Seal of the . . . . . .
.....Council of.....
this.....day of.....19 .....
The Common Seal of the Council was affixed to this Direction in the presence of

.....
Chief Executive Officer

[1] The development to be controlled should be described in the words of Schedule 2 to the Order and the description should be followed by the words "being development comprised within Class.. . of Part. of Schedule 2 to the said Order and not being development comprised within any other Class". If control is to be limited to a particular description of the development comprised within a Part, the wording should be adapted accordingly.

NOTE 2

MODEL FOR ARTICLE 4(1) DIRECTION TO WHICH ARTICLE 5(4) APPLIES

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 5(4) APPLIES

WHEREAS the Council of the County/District of..... being the appropriate local planning authority within the meaning of article 4(6) of the Town and Country Planning (General Permitted Development) Order 1995, are satisfied that it is expedient that development of the description(s) set out in the Schedule below should not be carried out on land shown edged/coloured..... on the attached plan, unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990,

AND WHEREAS the Council consider that development of the said description(s) [would be prejudicial to the proper planning of their area] [and] [would constitute a threat to the amenities of their area] and that the provisions of paragraph 4 of article 5 of the Town and Country Planning (General Permitted Development) Order 1995 apply,

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description(s) set out in the Schedule below.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 5(4), shall remain in force until .....(being six months from the date of this Direction) and shall then expire unless it has been approved by the Secretary of State for the Environment/Secretary of State for Wales.

SCHEDULE'

Given under the Common Seal of the .....
.....Council of.....
this.....day of ..... 19 .....
The Common Seal of the Council was affixed to this Direction in the presence of

Chief Executive Officer

[1] The development to be controlled should be described in the words of Schedule 2 to the Order and the description should be followed by the words "being development comprised within Class.. of Part.. . of Schedule 2 to the said Order and not being development comprised within any other Class". If control is to be limited to a particular description of the development comprised within a Part, the wording should be adapted accordingly.

ARTICLE 4(2) DIRECTIONS, *NOT* REQUIRING THE SECRETARY OF STATE'S APPROVAL

Dwellinghouses in conservation areas

14. The Secretary of State's approval is *not* required for directions made by local planning authorities under the new article 4(2), which withdraw certain permitted development rights specifically in relation to dwellinghouses in conservation areas.

15. Local planning authorities may make an article 4(2) direction to withdraw any of the following permitted development rights:

> the erection, alteration or removal of a chimney on a dwellinghouse, or on a building within the curtilage of a dwellinghouse;

and any of the following permitted development rights for development *which wouldfront a highway, waterway or open space:*

> the enlargement, improvement or other alteration of a dwellinghouse;
>
> the alteration of a dwellinghouse roof;
>
> the erection or construction of a porch outside any external door of a dwellinghouse;
>
> the provision, within the curtilage of a dwellinghouse, of a building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;
>
> the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such;
>
> the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within its curtilage;
>
> the erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwellinghouse; and
>
> the painting of a dwellinghouse or a building or enclosure within the curtilage of a dwellinghouse.

16. An article 4(2) direction can be selective both between and within these types of development. Development relating to an individual type of architectural feature which is important to the character or appearance of the conservation area could be specified. Examples are windows, doors, quoins, fanlights, architraves, parapets, cornices, stonework etc. The Secretaries of State are concerned that local planning authorities should use these powers selectively and only in relation to development which is likely to threaten the character or appearance of a conservation area.

17. An article 4(2) direction may cover permitted development consisting of the erection of an *extension*, if any part of it would front a highway, waterway or open space. For example, in the case of a semi-detached dwellinghouse which fronts a road and whose rear and side front private land, a direction in respect of enlargement could cover a proposed extension to the front of the house or to the side of the house if a wall of the extension would front the road. However, it could not cover a proposed extension to the rear of the house, even if part of a wall or the roof of the extension would be visible from the road. The Secretaries of State are particularly concerned that the power to withdraw permitted development rights relating to extensions should be used exceptionally and only where the character or appearance of a conservation area is likely to be threatened.

PROCEDURE FOR ARTICLE 4(2) DIRECTIONS

18. The procedure for article 4(2) directions is set out in article 6 of the Permitted Development Order. As soon as practicable after a direction has been made, local planning authorities must publish a notice of the direction in a newspaper circulating in the locality *and* notify the occupier or owner of every dwellinghouse in the area covered by the direction, unless in the authority's opinion the number of owners or occupiers or difficulty in establishing their identity makes individual notification impracticable.

19. The direction is effective when notice is served on the occupier or, if there is no occupier, on the owner. Where no such notice is served, the direction is effective when a notice is first published in a newspaper. The notice must:

(a) include a description of the development and the area covered by the direction and the effect of the direction;

(b) name the place where the direction and a map of the area which it covers may be inspected; and

(c) specify the dates covering a period of a least 21 days during which any representations on the direction may be made.

In addition, the notice (and the direction itself) must specify that the direction is made under article 4(2).

20. The local planning authority must take representations into account in deciding whether to confirm the direction. The Secretaries of State advise authorities to pay particular attention to the views of occupiers and owners in the area covered by the direction. Unless confirmed by the authority, the direction will expire six months after it is made. No direction can be confirmed for at least 28 days after the local planning authority have served or published their notice. As soon as practicable after the authority have confirmed a direction, they must give notice of the confirmation in the same way as required for notifying the making of the direction.

(This Appendix reproduces, with revised references and minor amendments, the text of DOE and Welsh Office circular letters dated respectively 19 May 1994 and 28 June 1994, "Planning Control over Telecommunications Development". Those letters are now cancelled.)

SUPPLEMENTARY PLANNING GUIDANCE ON TELECOMMUNICATIONS DEVELOPMENT

Purpose of guidance

1. This guidance explains the operation of the prior approval procedure, with particular reference to proposed telecommunications masts of up to 15 metres in height, where the development is permitted by Part 24 of Schedule 2 to the Permitted Development Order. The guidance supplements that in PPG 8 and should be read in conjunction with it.

Prior approval procedure

2. Development permitted by Class A of Part 24 is limited by the exclusions set out in paragraph A. 1 and is subject to the conditions set out in paragraph A.2. The condition which has given rise to confusion is the prior approval procedure in paragraph A.2(4). Permitted development is conditional upon the code system operator applying to the local planning authority for a determination as to whether their prior approval to the siting and appearance of the proposed development will be required. The application must be accompanied by a written description of the proposed development, a plan indicating its proposed location and the appropriate fee. The operator's application under paragraph A.2(4) is *not* a notification *nor* an application for planning permission. It is an application for the authority's determination concerning prior approval.

3. The prior approval procedure enables local planning authorities to exercise limited, discretionary control over certain kinds of telecommunications development permitted by Class A. The kind of development often involved relates to telecommunications masts of up to 15 metres in height. The prior approval procedure does not apply to any development which is excluded from permitted development by paragraph A. 1.

Time period

4. The local planning authority have 28 days to make and notify their determination on whether prior approval is required to the siting and appearance *and* to give or refuse such approval. This period starts as soon as they receive the operator's application for a determination (see flow-chart below). Only one 28-day period is prescribed and there is no power to extend it. Pre-application discussions are therefore particularly important to minimise any difficulties about the proposal and avoid delay in processing the operator's application. In considering the application, the authority should decide as soon as possible whether they wish to influence the siting and appearance of the proposed development. The inclusion of clear policies in development plans will help authorities to make speedy and informed decisions.

Publicity

5. Although there is no statutory requirement for local planning authorities or operators to publicise proposals for permitted telecommunications development, the Secretaries of State encourage publicity so that people likely to be affected by the proposed development can make their views known to the authority. It would be helpful if any non-statutory publicity which the authority wish to carry out were to make clear the nature of the application, describe the siting and appearance of the proposed development, and set a timescale for response to enable approval to be given or refused within the 28-day period.

Siting and appearance

6. Factors to be considered concerning the appearance of the mast include materials, colour and design. Features of design which may be considered include dimensions (other than height); overall shape; and whether the construction is solid or forms an open framework. The operator may be able to alter some of these features and authorities are encouraged to explore the possibilities of doing so with the operator at the earliest possible stage.

7. Factors concerning siting may involve: the height of the site in relation to surrounding land; the existence of topographical features and natural vegetation; the effect on the skyline or horizon; the site when observed from any side, including from outside the authority's own area; the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character; and the site in relation to residential property.

Determination not to require prior approval

8. If the local planning authority determine that prior approval is not required, the development may proceed (a) when the operator receives written notice of such a determination, or (b) after the 28-day period has expired (see flow-chart). The authority should give notice of any determination as soon as possible, rather than allowing the 28-day period to expire without notifying the applicant. The development must be carried out in accordance with the details submitted with the application for the determination or as otherwise agreed in writing by the authority.

Determination to require prior approval

9. If the local planning authority decide that the siting or appearance of the development would pose a serious risk to amenity, they should give the operator written notice of their determination that prior approval is required. The authority should endeavour to resolve any difficulties concerning siting and/or appearance in negotiations with the operator as soon as possible, in order to reach a decision on giving or refusing approval within the 28-day period.

10. If the local planning authority determine that prior approval is required but then fail to give or refuse approval within the 28-day period, the development may proceed after the 28-day period has expired (see flow-chart). The development must be carried out in accordance with the details submitted with the application for the determination or as otherwise agreed in writing by the authority.

11. The local planning authority may refuse approval to siting and/or appearance if they consider that this is justified. They must do so by serving, within the 28-day period, their decision to refuse approval. The authority should give reasons for refusal.

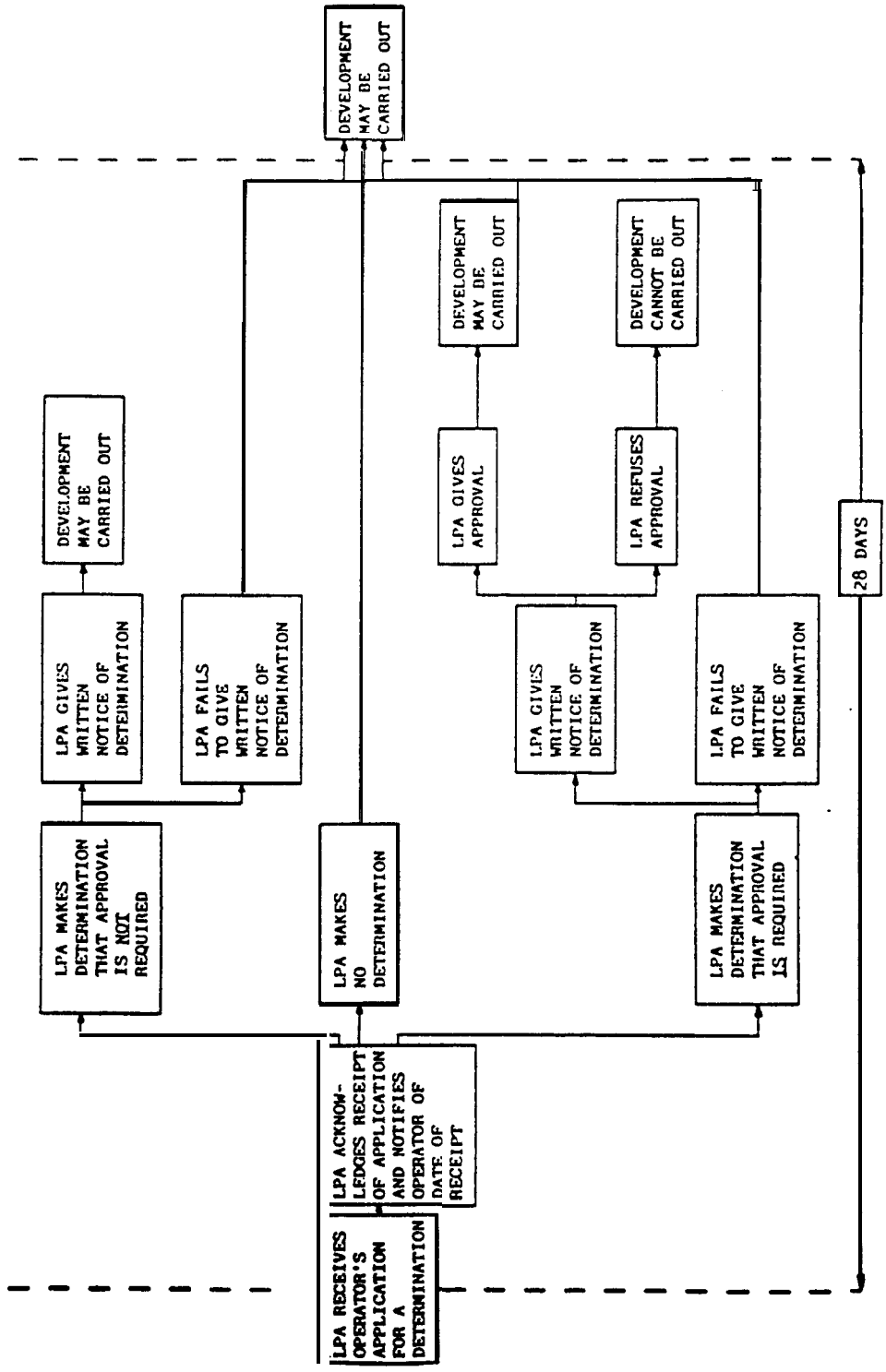
Action following refusal of approval

12. Operators may appeal against refusal of approval, under section 78(l)(c) of the Town and Country Planning Act 1990. Such appeals must be made to the Secretary of State within six months of the date of the notice of the local planning authority's decision. If approval is refused, or if refusal is upheld on appeal, the operator may apply afresh for a determination, with details of different siting and/or appearance at the same or a different location.

Notification under terms of licence

13. The procedure for applying for a determination under paragraph A.2(4) is entirely separate from the *notification* procedure required by the licences granted to operators under the Telecommunications Act 1984.

FLOW-CHART


LPA RECEIVES OPERATOR'S APPLICATION FOR A DETERMINATION
LPA ACKNOW-LEDGES RECEIPT OF APPLICATION AND NOTIFIES OPERATOR OF DATE OF RECEIPT
LPA MAKES DETERMINATION THAT APPROVAL IS NOT REQUIRED
LPA MAKES NO DETERMINATION
LPA MAKES DETERMINATION THAT APPROVAL IS REQUIRED
LPA GIVES WRITTEN NOTICE OF DETERMINATION
LPA FAILS TO GIVE WRITTEN NOTICE OF DETERMINATION
LPA GIVES WRITTEN NOTICE OF DETERMINATION
LPA FAILS TO GIVE WRITTEN NOTICE OF DETERMINATION
LPA GIVES APPROVAL
LPA REFUSES APPROVAL
DEVELOPMENT MAY BE CARRIED OUT
DEVELOPMENT MAY BE CARRIED OUT
DEVELOPMENT CANNOT BE CARRIED OUT
DEVELOPMENT MAY BE CARRIED OUT
28 DAYS

COMPARATIVE TABLE OF OLD AND NEW ARTICLES

Article GDO	GDPO[1]	GPDO[2]	*Heading*
1	1	1	Citation, commencement, interpretation
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4	—	4	Directions restricting permitted development
5	—	5	Approval of Secretary of State for article 4(1) directions
—	—	6	Notice and confirmation of article 4(2) directions
6	—	7	Directions restricting permitted development under Class B of Part 22 or Class B of Part 23
7	3	—	Applications for outline planning permission
8	4	—	Applications for approval of reserved matters
9	—	—	*(revoked by SI 1992/1563)*
10	5		General provisions relating to applications
11	—		*(revoked by SI 1992/1493)*
12	6		Notice of applications for planning permission
12A	7	—	Certificates in relation to notice of applications for planning permission
12B	8	—	Publicity for applications for planning permission
12c	9		Applications for planning permission referred to the Secretary of State and appeals to the Secretary of State
13	16	—	Notification of mineral applications
14	14	—	Directions by the Secretary of State
15	15	—	Special provisions as to permission for development affecting certain existing and proposed highways
16	—	—	*(subsumedpartially into article 10 of GDPO)*
17	17	—	Development not in accordance with the development plan
18	10	—	Consultations before the grant of permission
19	11	—	Consultation with county planning authority
20	12	—	Applications relating to county matters
21	13	—	Notice to parish and community councils
22	18	—	Notice of reference of applications to the Secretary of State
22A	19	—	Representations to be taken into account
23	20	—	Time periods for decison
24	21	—	Applications made under planning condition
25	22	—	Written notice of decision or determination relating to a planning application
26	23	—	Appeals
26A	24		Certificate of lawful use or development
27	25	—	Register of applications
28	26	—	Register of enforcement and stop notices
30	27	8	Directions
31	—	9	Revocations
31	28	—	Revocations, transitionals and savings

[1]GDPO = The Town and Country Planning (General Development Procedure) Order 1995
[2]GPDO = The Town and Country Planning (General Permitted Development) Order 1995

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