

Statutory Instrument 1995 No. 418

The Town and Country Planning (General Permitted Development) Order 1995

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The Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred on them by sections 59, 60, 61, 74 and 333(7) of the Town and Country Planning Act 1990^[1], section 54 of the Coal Industry Act 1994^[2] and of all other powers enabling them in that behalf, hereby make the following Order—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) Order 1995 and shall come into force on 3rd June 1995.

(2) In this Order, unless the context otherwise requires—

"the Act" means the Town and Country Planning Act 1990;

"the 1960 Act" means the Caravan Sites and Control of Development Act 1960^[3];

"aerodrome" means an aerodrome as defined in article 106 of the Air Navigation Order 1989^[4] (interpretation) which is—

(a) licensed under that Order,

(b) a Government aerodrome,

(c) one at which the manufacture, repair or maintenance of aircraft is carried out by a person carrying on business as a manufacturer or repairer of aircraft,

(d) one used by aircraft engaged in the public transport of passengers or cargo or in aerial work, or

(e) one identified to the Civil Aviation Authority before 1st March 1986 for inclusion in the UK Aerodrome Index,

and, for the purposes of this definition, the terms "aerial work", "Government aerodrome" and "public transport" have the meanings given in article 106;

"aqueduct" does not include an underground conduit;

"area of outstanding natural beauty" means an area designated as such by an order made by the Countryside Commission, as respects England, or the Countryside Council for Wales, as respects Wales, under section 87 of the National Parks and Access to the Countryside Act 1949^[5] (designation of areas of outstanding natural beauty) as confirmed by the Secretary of State;

"building"—

(a) includes any structure or erection and, except in Parts 24, 25 and 33, and Class A of Part 31, of Schedule 2, includes any part of a building, as defined in this article; and

(b) does not include plant or machinery and, in Schedule 2, except in Class B of Part 31 and Part 33, does not include any gate, fence, wall or other means of enclosure;

"caravan" has the same meaning as for the purposes of Part I of the 1960 Act (caravan sites);

"caravan site" means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

"classified road" means a highway or proposed highway which—

(a) is a classified road or a principal road by virtue of section 12(1) of the Highways Act 1980^[6] (general provision as to principal and classified roads); or

(b) is classified by the Secretary of State for the purposes of any enactment by virtue of section 12(3) of that Act;

"cubic content" means the cubic content of a structure or building measured externally;

"dwellinghouse" does not include a building containing one or more flats, or a flat contained within such a building;

"erection", in relation to buildings as defined in this article, includes extension, alteration, or re-erection;

"existing", in relation to any building or any plant or machinery or any use, means (except in the definition of "original") existing immediately before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

"flat" means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

"floor space" means the total floor space in a building or buildings;

"industrial process" means a process for or incidental to any of the following purposes—

(a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);

(b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or

(c) the getting, dressing or treatment of minerals in the course of any trade or business other than agriculture, and other than a process carried out on land used as a mine or adjacent to and occupied together with a mine;

"land drainage" has the same meaning as in section 116 of the Land Drainage Act 1976^[7](interpretation);

"listed building" has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990^[8](listing of buildings of special architectural or historic interest);

"by local advertisement" means by publication of the notice in at least one newspaper circulating in the locality in which the area or, as the case may be, the whole or relevant part of the conservation area to which the direction relates is situated;

"machinery" includes any structure or erection in the nature of machinery;

"microwave" means that part of the radio spectrum above 1,000 MHz;

"microwave antenna" means a satellite antenna or a terrestrial microwave antenna;

"mine" means any site on which mining operations are carried out;

"mining operations" means the winning and working of minerals in, on or under land, whether by surface or underground working;

"notifiable pipe-line" means a pipe-line, as defined in section 65 of the Pipe-lines Act 1962^[9] (meaning of pipe-line), which contains or is intended to contain a hazardous substance, as defined in regulation 2 (1) of the Notification Regulations (interpretation), except—

(a) a pipe-line the construction of which has been authorised under section 1 of the Pipe-lines Act 1962 (cross-country pipe-lines not to be constructed without the Minister's authority); or

(b) a pipe-line which contains or is intended to contain no hazardous substance other than—

(i) a flammable gas (as specified in item 1 of Part II of Schedule 1 to the Notification Regulations (classes of hazardous substances not specifically named in Part I)) at a pressure of less than 8 bars absolute; or

(ii) a liquid or mixture of liquids, as specified in item 4 of Part II of that Schedule;

"Notification Regulations" means the Notification of Installations Handling Hazardous Substances Regulations 1982^[10];

"original" means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built;

"plant" includes any structure or erection in the nature of plant;

"private way" means a highway not maintainable at the public expense and any other way other than a highway;

"proposed highway" has the same meaning as in section 329 of the Highways Act 1980 (further provision as to interpretation);

"public service vehicle" means a public service vehicle within the

meaning of section 1 of the Public Passenger Vehicles Act 1981^[11] (definition of public service vehicles) or a tramcar or trolley vehicle within the meaning of section 192(1) of the Road Traffic Act 1988^[12] (general interpretation);

"satellite antenna" means apparatus designed for transmitting microwave radio energy to satellites or receiving it from them, and includes any mountings or brackets attached to such apparatus;

"scheduled monument" has the same meaning as in section 1(11) of the Ancient Monuments and Archaeological Areas Act 1979^[13] (schedule of monuments);

"by site display" means by the posting of the notice by firm affixture to some object, sited and displayed in such a way as to be easily visible and legible by members of the public;

"site of archaeological interest" means land which is included in the schedule of monuments compiled by the Secretary of State under section 1 of the Ancient Monuments and Archaeological Areas Act 1979 (schedule of monuments), or is within an area of land which is designated as an area of archaeological importance under section 33 of that Act (designation of areas of archaeological importance), or which is within a site registered in any record adopted by resolution by a county council and known as the County Sites and Monuments Record;

"site of special scientific interest" means land to which section 28(1) of the Wildlife and Countryside Act 1981^[14] (areas of special scientific interest) applies;

"statutory undertaker" includes, in addition to any person mentioned in section 262(1) of the Act (meaning of statutory undertakers), the Post Office, the Civil Aviation Authority, the National Rivers Authority, any water undertaker, any public gas supplier, and any licence holder within the meaning of section 64(1) of the Electricity Act 1989^[15] (interpretation etc. of Part 1);

"terrestrial microwave antenna" means apparatus designed for transmitting or receiving terrestrial microwave radio energy between two fixed points;

"trunk road" means a highway or proposed highway which is a trunk

road by virtue of section 10(1) or 19 of the Highways Act 1980^[16] (general provisions as to trunk roads, and certain special roads and other highways to become trunk roads) or any other enactment or any instrument made under any enactment;

"the Use Classes Order" means the Town and Country Planning (Use Classes) Order 1987^[17].

(3) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery shall be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

(4) The land referred to elsewhere in this Order as article 1(4) land is the land described in Part 1 of Schedule 1 to this Order (land in listed counties).

(5) The land referred to elsewhere in this Order as article 1(5) land is the land described in Part 2 of Schedule 1 to this Order (National Parks, areas of outstanding natural beauty and conservation areas etc.).

(6) The land referred to elsewhere in this Order as article 1(6) land is the land described in Part 3 of Schedule 1 to this Order (National Parks and adjoining land and the Broads).

Application

2.—(1) This Order applies to all land in England and Wales, but where land is the subject of a special development order, whether made before or after the commencement of this Order, this Order shall apply to that land only to such extent and subject to such modifications as may be specified in the special development order.

(2) Nothing in this Order shall apply to any permission which is deemed to be granted under section 222 of the Act (planning permission not needed for advertisements complying with regulations).

Permitted development

3.—(1) Subject to the provisions of this Order and regulations 60 to 63 of the Conservation (Natural Habitats, &c.) Regulations 1994^[18] (general development orders), planning permission is hereby granted for the classes of

development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in the following provisions of this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 shall not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(6) The permission granted by Schedule 2 shall not, except in relation to development permitted by Parts 9, 11, 13 or 30, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(7) Any development falling within Part 11 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval shall not be treated for the purposes of this Order as authorised unless and until that consent or approval is obtained, except where the Act was passed or the order made after 1st July 1948 and it contains provision to the contrary.

(8) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a public gas supplier in accordance with Class F of Part 17 of that Schedule.

(9) Except as provided in Part 31, Schedule 2 does not permit any development which requires or involves the demolition of a building, but in this paragraph "building" does not include part of a building.

(10) Subject to paragraph (12), development is not permitted by this Order if an application for planning permission for that development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988 ("the Environmental Assessment Regulations")^[19] (descriptions of development).

(11) Where—

(a) the local planning authority have given an opinion under regulation 3 of the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1995 ("the Permitted Development Regulations")^[20] (opinion as to need for environmental statement) that an application for particular development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations and the Secretary of State has issued no direction to the contrary under regulation 4 of the Permitted Development Regulations (directions by the Secretary of State); or

(b) the Secretary of State has given an opinion under regulation 5 of the Permitted Development Regulations (proposed development in which a relevant planning authority has an interest) that an application for particular development would be a Schedule 1 application or a Schedule 2 application within the meaning of the Environmental Assessment Regulations,

the development to which that opinion relates shall be treated, for the purposes of paragraph (10), as development which is not permitted by this Order.

(12) Paragraph (10) does not apply to—

(a) development which comprises or forms part of a project serving national defence purposes;

(b) development which consists of the carrying out by a drainage body within the meaning of the Land Drainage Act 1991^[21] of improvement works within the meaning of the Land Drainage Improvement Works (Assessment of Environmental Effects) Regulations 1988^[22];

(c) development which consists of the installation of an electric line (within the meaning of Part I of the Electricity Act 1989^[23]) (electricity

supply)) which replaces an existing line (as defined in regulation 2 of the Overhead Lines (Exemption) Regulations 1990^[24](interpretation)) and in respect of which consent under section 37 of that Act (consent required for overhead lines) is not required by virtue of regulation 3(1) (e) of those Regulations (exemptions from section 37(1) of the Electricity Act 1989): provided that, in the circumstances mentioned in paragraph (1)(a) or (b) of regulation 5 of those Regulations (further restrictions on the exemptions contained in regulation 3), the determination for the purposes of that regulation that there is not likely to be a significant adverse effect on the environment shall have been made otherwise than as mentioned in paragraph (2) of that regulation;

(d) development for which permission is granted by Part 7, Class D of Part 8, Part 11, Class B of Part 12, Class F(a) of Part 17, Class A or Class B of Part 20 or Class B of Part 21 of Schedule 2;

(e) development for which permission is granted by Class C or Class D of Part 20, Class A of Part 21 or Class B of Part 22 of Schedule 2 where the land in, on or under which the development is to be carried out is—

(i) in the case of Class C or Class D of Part 20, on the same authorised site,

(ii) in the case of Class A of Part 21, on the same premises or, as the case may be, the same ancillary mining land,

(iii) in the case of Class B of Part 22, on the same land or, as the case may be, on land adjoining that land,

as that in, on or under which development of any description permitted by the same Class has been carried out before 3rd June 1995;

(f) the completion of any development begun before 3rd June 1995.

Directions restricting permitted development

4.—(1) If the Secretary of State or the appropriate local planning authority is satisfied that it is expedient that development described in any Part, Class or paragraph in Schedule 2, other than Class B of Part 22 or Class B of Part 23, should not be carried out unless permission is granted for it on an application, he or they may give a direction under this paragraph that the permission granted by article 3 shall not apply to—

(a) all or any development of the Part, Class or paragraph in question in an area specified in the direction; or

(b) any particular development, falling within that Part, Class or paragraph, which is specified in the direction, and the direction shall specify that it is made under this paragraph.

(2) If the appropriate local planning authority is satisfied that it is expedient that any particular development described in paragraph (5) below should not be carried out within the whole or any part of a conservation area unless permission is granted for it on an application, they may give a direction under this paragraph that the permission granted by article 3 shall not apply to all or any particular development of the Class in question within the whole or any part of the conservation area, and the direction shall specify the development and conservation area or part of that area to which it relates and that it is made under this paragraph.

(3) A direction under paragraph (1) or (2) shall not affect the carrying out of—

(a) development permitted by Part 11 authorised by an Act passed after 1st July 1948 or by an order requiring the approval of both Houses of Parliament approved after that date;

(b) any development in an emergency; or

(c) any development mentioned in Part 24, unless the direction specifically so provides.

(4) A direction given or having effect as if given under this article shall not, unless the direction so provides, affect the carrying out by a statutory undertaker of the following descriptions of development—

(a) the maintenance of bridges, buildings and railway stations;

(b) the alteration and maintenance of railway track, and the provision and maintenance of track equipment, including signal boxes, signalling apparatus and other appliances and works required in connection with the movement of traffic by rail;

(c) the maintenance of docks, harbours, quays, wharves, canals and towing paths;

(d) the provision and maintenance of mechanical apparatus or appliances (including signalling equipment) required for the purposes of shipping or in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a

dock, quay, harbour, bank, wharf or basin;

(e) any development required in connection with the improvement, maintenance or repair of watercourses or drainage works;

(f) the maintenance of buildings, runways, taxiways or aprons at an aerodrome;

(g) the provision, alteration and maintenance of equipment, apparatus and works at an aerodrome, required in connection with the movement of traffic by air (other than buildings, the construction, erection, reconstruction or alteration of which is permitted by Class A of Part 18 of Schedule 2).

(5) The development referred to in paragraph (2) is development described in—

(a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;

(b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

(c) Class D of Part 1 of that Schedule, where the external door in question fronts a relevant location;

(d) Class E of Part 1 of that Schedule, where the building or enclosure, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location;

(e) Class F of Part 1 of that Schedule, where the hard surface would front a relevant location;

(f) Class H of Part 1 of that Schedule, where the part of the building or other structure on which the satellite antenna is to be installed, altered or replaced fronts a relevant location;

(g) Part 1 of that Schedule, consisting of the erection, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse;

(h) Class A of Part 2 of that Schedule, where the gate, fence, wall or

other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location;

(i) Class C of Part 2 of that Schedule, consisting of the painting of the exterior of any part, which fronts a relevant location, of—

(i) a dwellinghouse; or

(ii) any building or enclosure within the curtilage of a dwellinghouse;

(j) Class B of Part 31 of that Schedule, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.

(6) In this article and in articles 5 and 6—
"appropriate local planning authority" means—

(a) in relation to a conservation area in a non-metropolitan county, the county planning authority or the district planning authority; and

(b) in relation to any other area, the local planning authority whose function it would be to determine an application for planning permission for the development to which the direction relates or is proposed to relate;

"relevant location" means a highway, waterway or open space.

Approval of Secretary of State for article 4(1) directions

5.—(1) Except in the cases specified in paragraphs (3) and (4), a direction by a local planning authority under article 4(1) requires the approval of the Secretary of State, who may approve the direction with or without modifications.

(2) On making a direction under article 4(1) or submitting such a direction to the Secretary of State for approval—

(a) a county planning authority shall give notice of it to any district planning authority in whose district the area to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority shall give notice of it to the county planning authority, if any.

(3) Unless it affects the carrying out of development by a statutory undertaker as provided by article 4(4), the approval of the Secretary of State is not required for a direction which relates to—

- (a) a listed building;
- (b) a building which is notified to the authority by the Secretary of State as a building of architectural or historic interest; or
- (c) development within the curtilage of a listed building, and does not relate to land of any other description.

(4) Subject to paragraph (6), the approval of the Secretary of State is not required for a direction made under article 4(1) relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

(5) A direction not requiring the Secretary of State's approval by virtue of paragraph (4) shall, unless disallowed or approved by the Secretary of State, expire at the end of six months from the date on which it was made.

(6) Paragraph (4) does not apply to a second or subsequent direction relating to the same development or to development of the same Class or any of the same Classes, in the same area or any part of that area as that to which the first direction relates or related.

(7) The local planning authority shall send a copy of any direction made by them to which paragraph (4) applies to the Secretary of State not later than the date on which notice of that direction is given in accordance with paragraph (10) or (12).

(8) The Secretary of State may give notice to the local planning authority that he has disallowed any such direction and the direction shall then cease to have effect.

(9) The local planning authority shall as soon as reasonably practicable give notice that a direction has been disallowed in the same manner as notice of the direction was given.

(10) Subject to paragraph (12), notice of any direction made under article 4(1) shall be served by the appropriate local planning authority on the owner and occupier of every part of the land within the area to which the direction relates as soon as practicable after the direction has been made or, where the direction is required to be approved by the Secretary of State, as soon as

practicable after it has been so approved; and a direction shall come into force in respect of any part of the land within the area to which the direction relates on the date on which notice is so served on the occupier of that part, or, if there is no occupier, on the owner.

(11) If a direction to which paragraph (4) applies is approved by the Secretary of State within the period of six months referred to in paragraph (5), then (unless paragraph (12) applies) the authority who made the direction shall, as soon as practicable, serve notice of that approval on the owner and occupier of every part of the land within the area to which the direction relates; and where the Secretary of State has approved the direction with modifications the notice shall indicate the effect of the modifications.

(12) Where in the case of a direction under article 4(1)(a) an authority consider that individual service in accordance with paragraph (10) or (11) is impracticable for the reasons set out in paragraph (14) they shall publish a notice of the direction, or of the approval, by local advertisement.

(13) A notice published pursuant to paragraph (12) shall contain a statement of the effect of the direction and of any modification made to it by the Secretary of State, and shall name a place or places where a copy of the direction, and of a map defining the area to which it relates, may be seen at all reasonable hours.

(14) The reasons referred to in paragraph (12) are that the number of owners and occupiers within the area to which the direction relates makes individual service impracticable, or that it is difficult to identify or locate one or more of them.

(15) Where notice of a direction has been published in accordance with paragraph (12), the direction shall come into force on the date on which the notice is first published.

(16) A local planning authority may, by making a subsequent direction and without the approval of the Secretary of State, cancel any direction made by them under article 4(1), and the Secretary of State may make a direction cancelling any direction under article 4(1) made by the local planning authority.

(17) Paragraphs (10) and (12) to (15) shall apply to any direction made under paragraph (16).

Notice and confirmation of article 4(2) directions

6.—(1) Notice of any direction made under article 4(2) shall, as soon as

practicable after the direction has been made, be given by the appropriate local planning authority—

(a) by local advertisement; and

(b) subject to paragraphs (4) and (5), by serving the notice on the owner and occupier of every dwellinghouse within the whole or the relevant part of the conservation area to which the direction relates.

(2) The notice referred to in paragraph (1) shall—

(a) include a description of the development and the conservation area or part of that area to which the direction relates, and a statement of the effect of the direction;

(b) specify that the direction is made under article 4(2) of this Order;

(c) name a place where a copy of the direction, and a copy of the map defining the conservation area or part of that area to which it relates, may be seen at all reasonable hours; and

(d) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority.

(3) The direction shall come into force in respect of any part of the land within the conservation area or part of that area to which it relates—

(a) on the date on which the notice is served on the occupier of that part of the land or, if there is no occupier, on the owner; or

(b) if paragraph (4) or (5) applies, on the date on which the notice is first published in accordance with paragraph (1)(a).

(4) The local planning authority need not serve notice on an owner or occupier in accordance with paragraph (1)(b) where they consider that individual service on that owner or occupier is impracticable because it is difficult to identify or locate him.

(5) The local planning authority need not serve any notice in accordance with paragraph (1)(b) where they consider that the number of owners or occupiers within the conservation area or part of that area to which the direction relates makes individual service impracticable.

(6) On making a direction under article 4(2)—

(a) a county planning authority shall give notice of it to any district planning authority in whose district the conservation area or part of that area to which the direction relates is situated; and

(b) except in metropolitan districts, a district planning authority shall give notice of it to the county planning authority, if any.

(7) A direction under article 4(2) shall expire at the end of six months from the date on which it was made unless confirmed by the appropriate local planning authority in accordance with paragraphs (8) and (9) before the end of that six month period.

(8) In deciding whether to confirm a direction made under article 4(2), the local planning authority shall take into account any representations received during the period specified in the notice referred to in paragraph (2)(d).

(9) The local planning authority shall not confirm the direction until a period of at least 28 days has elapsed following the latest date on which any notice relating to the direction was served or published.

(10) The appropriate local planning authority shall as soon as practicable give notice that a direction has been confirmed in the same manner as in paragraphs (1)(a) and (b) above.

Directions restricting permitted development under Class B of Part 22 or Class B of Part 23

7.—(1) If, on receipt of a notification from any person that he proposes to carry out development within Class B of Part 22 or Class B of Part 23 of Schedule 2, a mineral planning authority are satisfied as mentioned in paragraph (2) below, they may, within a period of 21 days beginning with the receipt of the notification, direct that the permission granted by article 3 of this Order shall not apply to the development, or to such part of the development as is specified in the direction.

(2) The mineral planning authority may make a direction under this article if they are satisfied that it is expedient that the development, or any part of it, should not be carried out unless permission for it is granted on an application because—

(a) the land on which the development is to be carried out is within—

(i) a National Park,

(ii) an area of outstanding natural beauty,

- (iii) a site of archaeological interest, and the operation to be carried out is not one described in the Schedule to the Areas of Archaeological Importance (Notification of Operations) (Exemption) Order 1984^[25] (exempt operations),
- (iv) a site of special scientific interest, or
- (v) the Broads;

(b) the development, either taken by itself or taken in conjunction with other development which is already being carried out in the area or in respect of which notification has been given in pursuance of the provisions of Class B of Part 22 or Class B of Part 23, would cause serious detriment to the amenity of the area in which it is to be carried out or would adversely affect the setting of a building shown as Grade I in the list of buildings of special architectural or historic interest compiled by the Secretary of State under section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990^[26] (listing of buildings of special architectural or historic interest);

(c) the development would constitute a serious nuisance to the inhabitants of a nearby residential building, hospital or school; or

(d) the development would endanger aircraft using a nearby aerodrome.

(3) A direction made under this article shall contain a statement as to the day on which (if it is not disallowed under paragraph (5) below) it will come into force, which shall be 29 days from the date on which notice of it is sent to the Secretary of State in accordance with paragraph (4) below.

(4) As soon as is reasonably practicable a copy of a direction under this article shall be sent by the mineral planning authority to the Secretary of State and to the person who gave notice of the proposal to carry out development.

(5) The Secretary of State may, at any time within a period of 28 days beginning with the date on which the direction is made, disallow the direction; and immediately upon receipt of notice in writing from the Secretary of State that he has disallowed the direction, the mineral planning authority shall give notice in writing to the person who gave notice of the proposal that he is authorised to proceed with the development.

Directions

8. Any power conferred by this Order to give a direction includes power to cancel or vary the direction by a subsequent direction.

Revocations

9. The statutory instruments specified in column 1 of Schedule 3 are hereby revoked to the extent specified in column 3.

John Selwyn Gummer

Secretary of State for the Environment

21st February 1995

John Redwood

Secretary of State for Wales

22nd February 1995

Notes:

[1] 1990 c. 8; section 74(1A) was inserted, and section 74(2) was amended, by section 19(1) of, and paragraph 17 of Schedule 7 to, the Planning and Compensation Act 1991 (c. 34). [back](#)

[2] 1994 c. 21. [back](#)

[3] 1960 c. 62; a relevant amendment is section 13 of the Caravan Sites Act 1968 (c. 52). [back](#)

[4] S.I. 1989/2004, to which there are amendments not relevant to this Order. [back](#)

[5] 1949 c. 97; section 87 was amended by section 130 of, and paragraph 1(12) of Schedule 8 to, the Environmental Protection Act 1990 (c. 43). [back](#)

[6] 1980 c. 66. [back](#)

[7] 1976 c. 70. [back](#)

[8] 1990 c. 9. [back](#)

[9] 1962 c. 58. [back](#)

[10] S.I. 1982/1357. [back](#)

[11] 1981 c. 14; section 1 was amended by Schedule 8 to the Transport Act 1985 (c. 67). [back](#)

[12] 1988 c. 52. [back](#)

[13] 1979 c. 46. [back](#)

[14] 1981 c. 69. [back](#)

[15] 1989 c. 29. [back](#)

[16] 1980 c. 66; section 19 was amended by section 21(1) of the New Roads and Street Works Act 1991 (c. 22). [back](#)

[17] S.I. 1987/764, amended by S.I. 1991/1567, 1992/610, 1992/657, 1994/724, 1995/297. [back](#)

[18] S.I. 1994/2716. [back](#)

[19] S.I. 1988/1199, amended by S.I. 1990/367, 1992/1494 and 1994/677. [back](#)

[20] S.I. 1995/417 [back](#)

[21] 1991 c. 59. The definition of "drainage body" is to be found in section 72(1). [back](#)

[22] S.I. 1988/1217. [back](#)

[23] 1989 c. 29. See the definition in section 64(1). [back](#)

[24] S.I. 1990/2035. [back](#)

[25] S.I. 1984/1286. [back](#)

[26] 1990 c. 9. [back](#)

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