

2005 No. 2935

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2005

Made - - - - - *20th October 2005*
Laid before Parliament *27th October 2005*
Coming into force - - *25th November 2005*

The First Secretary of State, in exercise of the powers conferred by sections 59, 60 and 333(7) of the Town and Country Planning Act 1990(a), makes the following Order—

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2005 and shall come into force on 25th November 2005.

(2) In this Order “the principal Order” means the Town and Country Planning (General Permitted Development) Order 1995(b).

(3) In this Order, any reference to Part 1 or Part 25 is a reference to that numbered Part of Schedule 2 to the principal Order.

(4) This Order applies in relation to England only.

Amendment of principal Order

2. In article 4 of the principal Order (directions restricting permitted development) in paragraph (5)(f) omit “satellite”.

Amendments to Part 1

3.—(1) In Class A of Part 1 (development within the curtilage of a dwellinghouse), in paragraph A.1(f), for “a satellite antenna” substitute “a microwave antenna”.

(2) In Class E of Part 1, in paragraph E.1(a), for “a satellite antenna” substitute “a microwave antenna”.

(3) In Class H of Part 1—

(a) in paragraph H, for “a satellite antenna” substitute “a microwave antenna”;

(a) 1990 c. 8; to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 59, 60 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).
(b) S.I. 1995/418; amending relevant amending instruments are S.I. 1999/293, S.I. 2003/956 and S.I. 2005/85.

(b) for paragraph H.1 substitute—

“H.1 Development is not permitted by Class H if—

- (a) it would result in the presence on the dwellinghouse or within its curtilage of—
 - (i) more than two antennas;
 - (ii) a single antenna exceeding 100 centimetres in length;
 - (iii) two antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60 centimetres;
 - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney;
 - (vi) an antenna with a cubic capacity in excess of 35 litres;
- (b) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
- (c) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 60 centimetres measured from the highest part of the ridge tiles of the roof, whichever is the lower;
- (d) in the case of article 1(5) land, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
 - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway;
 - (iii) on a building which exceeds 15 metres in height.”

(c) for paragraph H.2(b) substitute—

“(b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable”; and

(d) after H.2 add—

“H.3 The relevant size criteria for the purpose of paragraph H.1(a)(iii) are that:

- (a) only one of the antennas may exceed 60 centimetres in length; and
- (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

H.4 The length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”

Amendments to Part 25

4.—(1) In Class A of Part 25 (Other telecommunications development)—

(a) for paragraph A.1 substitute—

“A.1 Development is not permitted by Class A if—

- (a) the building is a dwellinghouse or the building or structure is within the curtilage of a dwellinghouse;
- (b) it would consist of development of a kind described in paragraph A of Part 24;
- (c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989^(a) (definitions of driver information systems etc);
- (d) it would result in the presence on the building or structure of more than four antennas;
- (e) in the case of an antenna installed on a chimney, the length of the antenna would exceed 60cm;
- (f) in all other cases, the length of the antenna would exceed 130cm;
- (g) it would consist of the installation of an antenna with a cubic capacity in excess of 35 litres;

(a) 1989 c. 22.

- (h) the highest part of the antenna or its supporting structure would be more than three metres higher than the highest part of the building or structure on which it is installed or is to be installed;
- (i) in the case of article 1(5) land, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
 - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway.”;
- (b) for paragraph A.2(b), substitute—

“(b) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable.”;
- (c) after paragraph A.2 add—

“A.3 The length of an antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”
- (2) In Class B of Part 25—
 - (a) in paragraph B, for “a satellite antenna” substitute “a microwave antenna”
 - (b) for paragraph B.1 substitute—

“B.1 Development is not permitted by Class B if—

 - (a) the building is a dwellinghouse or other structure within the curtilage of a dwellinghouse;
 - (b) it would consist of development of a kind described in paragraph A of Part 24;
 - (c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc);
 - (d) it would result in the presence on the building or structure of—
 - (i) more than two antennas;
 - (ii) a single antenna exceeding 100 centimetres in length;
 - (iii) two antennas which do not meet the relevant size criteria;
 - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 60cm;
 - (v) an antenna installed on a chimney, where the antenna would protrude over the chimney;
 - (vi) an antenna with a cubic capacity in excess of 35 litres;
 - (e) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof;
 - (f) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney stack, or 60cm measured from the highest part of the ridge tiles of the roof, whichever is the lowest;
 - (g) in the case of article 1(5) land, it would consist of the installation of an antenna—
 - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;
 - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway.”;
 - (c) for paragraph B.2(b), substitute—

“(b) an antenna no longer needed for reception or transmission purposes shall be removed from the building or structure as soon as reasonably practicable”;
 - (d) after paragraph B.2, add—

“B.3 The relevant size criteria for the purposes of paragraph B.1(d)(iii) are that:

 - (a) only one of the antennas may exceed 60 centimetres in length; and
 - (b) any antenna which exceeds 60 centimetres in length must not exceed 100 centimetres in length.

B.4 The length of an antenna is to be measured in any linear direction and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.”

Signed by authority of the Secretary of State

20th October 2005

Yvette Cooper
Minister for Housing and Planning
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Parts 1 and 25 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”). These Parts confer permitted development rights in respect of the erection of satellite and microwave antenna (as defined in article 1(2) of the Order). The amendments apply in relation to England.

Article 3 amends Class H of Part 1 of the 1995 Order (the installation, alteration or replacement of a satellite antenna on a dwellinghouse or within the curtilage of a dwellinghouse), increasing the number of permitted antennas to 2. It extends the permitted development rights to all types of antennas, and applies a size limit of 60cm for one of the permitted antennas, and 100cm for the other. It modifies existing exclusions from such rights by permitting roof mounted antenna to protrude above a roof with a chimney. In such cases it restricts the height of the antenna or antennas to the highest part of the chimney, or 60cm measured from the ridge tiles of the roof, whichever is lower. It introduces a maximum cubic capacity of 35 litres for individual antennas. It also relaxes restrictions in respect of antenna on article 1(5) land (National parks, areas of outstanding natural beauty, conservation areas etc) to permit antenna on roof slopes, walls or chimneys that are not visible from a highway or waterway.

Article 4 amends Classes A and B of Part 25 of Schedule 2 to the 1995 Order. In Class A (the installation, alteration or replacement on any building or other structure of a height of 15 metres or more of a microwave antenna and any structure intended for the support of a microwave antenna) it extends the permitted development rights to all types of antennas, and increases the number of permitted antenna to four. It modifies existing exclusions from such rights by applying a size limit for chimney mounted antenna of 60cm when measured in any linear direction. It introduces a maximum cubic capacity of 35 litres for individual antennas, and relaxes restrictions on article 1(5) land by permitting antenna on roof slopes, walls or chimneys that are not visible from a highway or waterway. With regards to Class B (the installation, alteration or replacement on any building or other structure of a height of less than 15 metres of a satellite antenna) it extends the permitted development rights to all types of antennas, and increases the number of permitted antennas to two. It applies a size limit of 60cm for one of the permitted antennas, and 100cm for the other. It modifies existing exclusions from such rights to match the exclusions from the Part 1 Class H permitted development rights outlined above.

Minor incidental and consequential changes are also made to the Parts mentioned, and to Article 4 of the 1995 Order.

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