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Amendment to Part 2 - definition of key terms

4.—(1) For regulation 6(1) (meaning of “development”), substitute—

“(1) The following works are not to be treated as development for the purposes of section 208 of PA 2008 (liability)—

(a) anything done by way of, or for the purpose of, the creation of a building of a kind mentioned in paragraph (2);

(b) the carrying out of any work to, or in respect of, an existing building if, after the carrying out of that work, it is still a building of a kind mentioned in paragraph (2);

(c) the carrying out of any work to, or in respect of, an existing building for which planning permission is required only because of provision made under section 55(2A) of TCPA 1990(1); and

(d) the change of use of any building previously used as a single dwellinghouse to use as two or more separate dwellinghouses.”

(2) For regulation 8(7) (time at which planning permission first permits development), substitute—

“(7) In the case of a general consent, planning permission first permits development—

(a) on the day on which the collecting authority receives a notice of chargeable development submitted to it in accordance with regulation 64 in respect of that development; or

(b) if no notice of chargeable development is submitted in accordance with regulation 64, the day on which the last person is served with a notice of chargeable development in accordance with regulation 64A(3).”

(3) In regulation 9(3) (meaning of “chargeable development”), after “regulation 64” insert—

“, or prepared by the collecting authority in accordance with regulation 64A.”

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(1) Section 55(2A) was inserted by section 49 of the Planning and Compulsory Purchase Act 2004.

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