

DIRECTION TO ALL LOCAL PLANNING AUTHORITIES IN ENGLAND

THE TOWN AND COUNTRY PLANNING (DEMOLITION - DESCRIPTION OF BUILDINGS) DIRECTION 2014

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 55(2)(g) of the Town and Country Planning Act 1990^(a), directs as follows:

Citation and commencement

1. This Direction comes into force on 6 March 2014 and applies to England only.

Interpretation

2. In this Direction—

“building” does not include part of a building, except—

- (a) for the purposes of paragraph 3(1)(b); and
- (b) in paragraph 3(2).

“conservation area” has the same meaning as in section 91(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990^(b).

Demolition not to be taken to involve development of land

3. (1) Subject to sub-paragraph (2), the demolition of the following descriptions of building shall not be taken, for the purposes of the Town and Country Planning Act 1990, to involve development of land:

(a) any building the cubic content of which, measured externally, does not exceed 50 cubic metres;

(b) the whole or any part of any gate, fence, wall or other means of enclosure.

^(a) 1990 c. 8; section 55(2)(g) was inserted by section 13(2) of the Planning and Compensation Act 1991 (c.34).

^(b) 1990 c.9.

(2) The descriptions of building in sub-paragraph (1) do not include the whole or any part of any gate, fence, wall or other means of enclosure in a conservation area.

Revocation

4. The Town and Country Planning (Demolition - Description of Buildings) Direction 1995 is revoked as respects England.

Signed by authority of the Secretary of State

Susan Lovelock
A member of the Senior Civil Service
Department for Communities and Local Government
4 March 2014

Note

The Town and Country Planning (Demolition – Description of Buildings) Direction 2014

The Town and Country Planning (Demolition – Description of Buildings) Direction 2014 (“the 2014 Direction”) replaces the partially quashed Town and Country Planning (Demolition – Description of Buildings) Direction 1995 (“the 1995 Direction”) so as to make the current position clearer for users – it does not change the law.

The Court of Appeal quashed paragraphs 2(1)(a) to (d) of the 1995 Direction in the case of *SAVE Britain’s Heritage v SSCLG* [2011] EWCA Civ 334, meaning that the demolition of:

- a listed building,
- a building in a conservation area,
- a building which is a scheduled monument, or
- a building that is not a dwelling house or adjoining a dwelling house

is ‘development’, bringing the demolition of these structures in line with the treatment of residential buildings generally. The *SAVE* judgement was drawn to the attention of local planning authorities on 31 March 2011

[[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8006/110331-Letter to Chief Planning Officers- Demolition.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8006/110331-Letter_to_Chief_Planning_Officers- Demolition.pdf)]

The 2014 Direction exactly replicates the current position with respect to those *de minimis* descriptions of buildings (previously at paragraphs (e) and (f) of the 1995 Direction, and not quashed by the Court in *SAVE*) the demolition of which is not ‘development’.