EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) (AMENDMENT) (NO. 2) ORDER 2026

2026 No. 1056

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Matthew Pennycook, Minister of State for Housing and Planning at the Ministry of Housing, Communities and Local Government, confirms that this Explanatory Memorandum meets the required standard.

2.2 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Bradley Higgins at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: PDMCorrespondence@communities.gov.uk. Alternatively, the department can be contacted by telephone: 0303 444 0000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ("the General Permitted Development Order") to make changes to permitted development rights that support the installation of electrical substations and electric vehicle charging infrastructure, including the introduction of a new permitted development right for cross-pavement charging solutions. It extends an existing temporary permitted development right for schools affected by reinforced autoclaved aerated concrete. This Order also makes minor technical and consequential amendments to reflect the transferring of functions from the Health and Safety Executive to the Building Safety Regulator.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 Permitted development rights provide a more streamlined planning process with greater planning certainty, providing flexibilities and planning freedoms to different users. Permitted development rights are set out in Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended ("the General Permitted Development Order"). Individual permitted development rights are subject to limitations and conditions to control impacts and protect local amenity.

5.2 The government wants to support the expansion and upgrading of electricity networks. An existing permitted development right, under Class B of Part 15 of Schedule 2 to the General Permitted Development Order, already allows electricity undertakers to carry out certain types of development, including the installation or replacement of substations up to 29 cubic metres in capacity. To support increased electricity demand and accommodate the transition to a low-carbon electricity system, this Order amends Class B of Part 15 to increase the maximum permitted capacity of substations from 29 cubic metres to 45 cubic metres.

5.3 The government also wants to support the rollout of electric vehicle charging infrastructure. Domestic charging is the most convenient and affordable option for most drivers, but many households lack off-street parking. A cross-pavement solution (i.e. a pavement-embedded cable channel) can provide a safer connection between a home charge point and a vehicle parked on-street by reducing the risks from trailing cables across public footways. This Order therefore introduces a new permitted development right for operations needed to install a cross-pavement solution, to be undertaken by, or on behalf of, or authorised by the relevant highway authority.

5.4 Class D and Class E of Part 2 of Schedule 2 to the General Permitted Development Order already allow electrical outlet and upstand charge points to be installed in areas lawfully used for off-street parking. To enable households without off-street parking to access electric vehicle charging, this Order amends these Classes to allow a charge point to be installed in any area within the curtilage of a house or block of flats (e.g. a small front garden without a parking space), including an electrical outlet on a house or block of flats that immediately adjoins the highway. Class E of Part 2 also allows a unit of equipment housing of up to 29 cubic metres to be installed in a non-domestic area lawfully used for off-street parking. To support businesses to deliver modern charging infrastructure at scale, this Order amends Class E of Part 2 to allow multiple units of equipment housing up to a cumulative maximum volume of 45 cubic metres.

5.5 The government also wants to support continuity of education and the safety and welfare of children. In 2023, an urgent issue emerged regarding schools with buildings affected by reinforced autoclaved aerated concrete (RAAC). A time-limited permitted development right, Class CB of Part 4 of Schedule 2 to the General Permitted Development Order, was urgently introduced in October 2023 to support affected schools by allowing the installation of temporary buildings on school land where the school has an affected building. However, not all schools will have completed remediation work before the permitted development right expires on 24 October 2026. This Order therefore extends the permitted development right by two years to 24 October 2028.

5.6 This Order also makes minor technical and consequential amendments to the General Permitted Development Order to reflect the transferring of functions from the Health

and Safety Executive to the Building Safety Regulator, which became an arm's length body under the Ministry of Housing, Communities and Local Government on 27 January 2026.

What was the previous policy, how is this different?

Electrical substations (Class B of Part 15)

5.7 Class B of Part 15 of Schedule 2 to the General Permitted Development Order previously allowed electricity undertakers to install substations of up to 29 cubic metres as permitted development. The permitted development right was not subject to other limitations and conditions. This Order increases the maximum capacity from 29 cubic metres to 45 cubic metres. To help mitigate likely impacts, larger substations—those exceeding 29 cubic metres in capacity—should not exceed three metres in height or be located within five metres of a dwelling. Larger substations are not permitted in Sites of Special Scientific Interest and European sites (which have the meaning given by regulation 8 of the Conservation of Habitats and Species Regulations 2017) and prior approval of the local planning authority is required in regard to the siting and appearance of the substation in article 2(3) land, being National Parks, the Broads, National Landscapes, conservation areas, World Heritage Sites, and an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981.

Electric vehicle recharging (Class D and Class E of Part 2; Class F of Part 9)

5.8 There was previously no permitted development right for the operations needed to install a cross-pavement solution, meaning householders would have to apply to the local planning authority for planning permission. This Order allows for such works to be undertaken by, or on behalf of, or authorised by the relevant highway authority without the need for a planning application. Separate permissions are still required, including permission from the relevant highway authority under section 178 of the Highways Act 1980 to lay a cable across the pavement. To manage impacts, development is not permitted within a site designated as a scheduled monument, within the curtilage of a listed building, or within a conservation area; and when no longer needed as a cross-pavement solution, the development must be removed as soon as reasonably practicable and the pavement reinstated so far as reasonably practicable to its previous condition.

5.9 Class D and Class E of Part 2 of Schedule 2 to the General Permitted Development Order previously allowed electrical outlet and upstand electric vehicle charge points to be installed in areas lawfully used for off-street parking. Households without off-street parking would have to apply to the local planning authority for planning permission to install a charge point. This Order amends these Classes to allow householders to install a charge point linked to a cross-pavement solution in any other area within the curtilage of a house or block of flats, including installing an electrical outlet on a house or block of flats that immediately adjoins the highway, subject to limitations and conditions.

5.10 Existing limitations and conditions under Class D of Part 2 have been retained and will apply to all development under the permitted development right. Development is therefore not permitted by Class D of Part 2 if the outlet and its casing would exceed 0.2 cubic metres, be within a site designated as a scheduled monument, or be within the curtilage of a listed building. When no longer needed as a charging point for electric vehicles, the development must be removed as soon as reasonably practicable and the wall reinstated so far as reasonably practicable to its previous condition.

5.11 This Order also introduces additional limitations and conditions to Class D of Part 2. Development is not permitted if the outlet and its casing would be more than 1.6 metres above ground level. If the electrical outlet would be in any other area within the curtilage of a dwellinghouse or block of flats, development is not permitted if it would result in more than one outlet being installed within the curtilage of that house or block of flats, or if the outlet would be within a conservation area. In addition, if the electrical outlet would be mounted on a wall immediately adjoining the highway, development is not permitted if the footway adjoining the property is less than 1.5 metres wide, when measured from the edge of the electrical outlet to the edge of the footway. Where the outlet would not be in an area lawfully used for off-street parking, development is permitted only where the electrical outlet is used in conjunction with a cross-pavement solution.

5.12 For upstands, existing limitations and conditions under Class E(1) of Part 2 have been retained. Development is therefore not permitted by Class E of Part 2 if the upstand would be within a site designated as a scheduled monument, be within the curtilage of a listed building, or result in more than one upstand being provided for each parking space. If the upstand would be installed in an area lawfully used for off-street parking, the height must not exceed 1.6 metres if installed within the curtilage of a dwellinghouse or a block of flats, or 2.7 metres in any other case. When no longer needed as a charging point for electric vehicles, the development must be removed as soon as reasonably practicable and the land reinstated so far as reasonably practicable to its previous condition.

5.13 This Order also introduces additional limitations and conditions to Class E(1) of Part 2. If the upstand would not be installed in an area lawfully used for off-street parking, development is not permitted if the height of the upstand would exceed 1.6 metres, or if the upstand would be in a conservation area. Where the upstand would not be in an area lawfully used for off-street parking, development is permitted only where the upstand is used in conjunction with a cross-pavement solution.

5.14 Class E(2) of Part 2 previously allowed a unit of equipment housing for the storage of equipment necessary for the operation of an upstand to be installed in a non-domestic area lawfully used for off-street parking. The permitted development right was subject to limitations and conditions, including that the unit of equipment housing must not exceed 29 cubic metres in capacity. Businesses seeking to install multiple units of equipment housing, or equipment housing exceeding 29 cubic metres in capacity, would first have to apply to the local planning authority for planning permission. This Order amends Class E of Part 2 to allow multiple units of equipment housing up to a cumulative maximum volume of 45 cubic metres.

5.15 The remaining limitations and conditions under Class E(2) have been retained. Development is therefore not permitted where the equipment housing would exceed three metres in height; be within five metres of a highway; be within 10 metres of the curtilage of a house or block of flats; be within a site designated as a scheduled monument; or be within the curtilage of a listed building. When no longer needed as a charging point for electric vehicles, the development must be removed as soon as reasonably practicable and the wall reinstated so far as reasonably practicable to its condition before that development was carried out.

5.16 This Order also introduces additional limitations and conditions to Class E(2) where the equipment housing would have a cumulative maximum volume exceeding 29 cubic metres. Development is not permitted where it would be within a site of special scientific interest, within a European site (which has the meaning given by regulation

8 of the Conservation of Habitats and Species Regulations 2017), or would be used for the display of an advertisement. In article 2(3) land, before beginning development the developer must obtain the prior approval of the local planning authority with respect to the siting and appearance of the equipment housing on that article 2(3) land.

Schools with reinforced autoclaved aerated concrete (Class CB, Part 4)

5.17 Class CB of Part 4 of Schedule 2 to the General Permitted Development Order allows for the temporary provision of buildings on school land where the school has a building affected by RAAC. The permitted development right is time-limited and ceases to have effect at 11.59 p.m. on 24 October 2026. After this date, schools would be required to apply to the local planning authority for planning permission to carry out works, such as the provision of temporary buildings, currently permitted under the permitted development right. This Order therefore extends Class CB of Part 4 by two years, to 11.59 p.m. on 24 October 2028. Existing limitations and conditions will continue to apply.

Technical and consequential amendments in respect of the Building Safety Regulator

5.18 The minor technical and consequential amendments do not change any previous policy; they simply reflect the transferring of functions from the Health and Safety Executive to the Building Safety Regulator on 27 January 2026.

6. Legislative and Legal Context

How has the law changed?

6.1 This Order amends the General Permitted Development Order to make changes to existing permitted development rights, including those for electrical substations, electric vehicle charge points, and schools affected by RAAC. It introduces a new permitted development right for the installation of cross-pavement charging solutions for electric vehicles. It also makes minor technical and consequential amendments to the General Permitted Development Order in respect of the Building Safety Regulator.

Why was this approach taken to change the law?

6.2 This is the most expedient approach to make the necessary changes. All development requires planning permission. A permitted development right is a national grant of planning permission for specified development. Permitted development rights are set out in the General Permitted Development Order. Amendments to the General Permitted Development Order are made via secondary legislation.

7. Consultation

Summary of consultation outcome and methodology

Electrical substations (Class B of Part 15)

7.1 A Call for Evidence was held in 2022 to understand the extent to which land access, rights and consents present barriers to the building of electricity network infrastructure. The government published its response to the Call for Evidence in December 2024.[1] Many respondents noted that planning processes are a barrier to the deployment of low carbon technologies as they cause delays and additional costs due to the processes being fragmented, slow and uncertain.

[1] https://assets.publishing.service.gov.uk/media/6749a67475bb645366b3a1ef/land-rights-and-consents-cfe-response.pdf

7.2 Evidence and views gathered from the Call for Evidence, and from key stakeholders via a Land Access and Consents Working Group, were used to inform the proposals set out in a subsequent public consultation, which ran from 8 July 2025 to 2 September 2025. The consultation proposed a range of reforms to enable the rapid deployment of future network connections, including changes to an existing permitted development right which allows electricity undertakers to carry out certain types of development, including the installation or replacement of substations. The government response to this consultation was published on 21 April 2026.[2] The consultation received 73 responses from a range of stakeholders including electricity network operators, electricity generation developers, local authorities and other public bodies. There was strong support for the proposal to increase the maximum size threshold for substations that can be built under the permitted development right from 29 cubic metres to 45 cubic metres.

Electric vehicle recharging (Class D and Class E of Part 2; Class F of Part 9)

7.3 Between 14 November 2025 and 21 January 2026, the government consulted on changes to permitted development rights to support the expansion of electric vehicle charging infrastructure in England. The consultation proposed amending existing permitted development rights to allow multiple units of equipment housing to support non-domestic electric vehicle recharging; and introducing a new permitted development right for cross-pavement solutions and associated domestic charge points to enable households without off-street parking to access home charging more easily and safely. The government response to this consultation was published on 11 September 2026.[3] The consultation received 147 responses from a range of organisations including individuals, local authorities, and the electric vehicle charge point industry. There was considerable support for additional flexibilities to support the rollout of electric vehicle charging infrastructure and the introduction of a new permitted development right for cross-pavement solutions and associated domestic charge points.

Schools with reinforced autoclaved aerated concrete (Class CB, Part 4)

7.4 Between 10 June 2026 and 5 August 2026, the government consulted on changes to permitted development rights, including a proposed two-year extension to the existing permitted development right, Class CB of Part 4 of Schedule 2 to the General Permitted Development Order, that provides for temporary buildings on school land where building have been affected by RAAC.[4] The government response to this consultation will be published in due course. There was considerable support for extending the temporary permitted development right under Class CB. Of the 40 respondents, 28 (70%) supported the proposal, 1 (3%) opposed it and 11 (28%) were unsure. Support was particularly high among local planning authorities, with 8 of the 10 respondents (80%) in favour. Respondents highlighted the need to give RAAC-affected schools sufficient time to complete remediation and replacement works while maintaining continuity of education and safeguarding pupils and staff. Having

[2] https://assets.publishing.service.gov.uk/media/69eb8974ed93f72cf81633be/electricity-network-infrastructure-consultation-government-response.pdf
[3] https://assets.publishing.service.gov.uk/media/6a9fd10762ec7fe7bedf5107/changes-to-various-permitted-development-rights-ev-charging-govt-response.pdf
[4] https://www.gov.uk/government/consultations/permitted-development-rights-schools-assets-of-community-value-defence-and-conservation/permitted-development-rights-schools-assets-of-community-value-defence-and-conservation

considered the responses received, the government has decided to proceed with the proposed changes.

Technical and consequential amendments in respect of the Building Safety Regulator

7.5 No consultation is necessary for the minor technical and consequential amendments.

8. Applicable Guidance

8.1 The Office for Zero Emission Vehicles will shortly publish updated guidance to support local authorities, industry and households in understanding how the new rights for electric vehicle charging infrastructure should be applied. There are no other plans to issue specific guidance in relation to this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as no significant, impact on the private, voluntary or public sector is foreseen. The combined central estimated annual net direct cost to businesses (EANDCB) is -£4.9 million. The negative value represents a net benefit to business.

Electrical substations (Class B, Part 15)

9.2 The government has assessed the impact of this measure on business. The measure increases the permitted development right volume threshold for substations in England from 29 cubic metres to 45 cubic metres. It is expected to reduce costs for electricity network operators by removing the need to submit a planning application for qualifying substations that exceed the existing threshold but fall within the revised threshold. Based on an estimated number of applications no longer required over a 10-year appraisal period, the measure has an EANDCB of approximately -£3 million. The negative value represents a net benefit to business.

9.3 Local planning authorities are also expected to experience a modest reduction in administrative burden from processing fewer planning applications. These public-sector benefits are not included in the EANDCB calculation. The measure may also support more timely delivery of electricity network infrastructure by reducing administrative requirements for qualifying substations. These wider delivery benefits have not been quantified because there is insufficient evidence to estimate them robustly. The policy applies principally to electricity network operators and does not impose new obligations on small or micro businesses. No direct impacts on households or material impacts on international trade and investment have been identified.

Electric vehicle recharging (Class D and Class E, Part 2; Class F, Part 9)

9.4 The government has assessed the impact of these measures on businesses and households. The measures introduce a new permitted development right for cross-pavement solutions, extend existing permitted development rights for domestic electric vehicle charge points linked to cross-pavement solutions, and amend permitted development rights for equipment housing associated with non-domestic charge point installations. The measures are expected to reduce costs by removing the need for planning applications for qualifying developments. Based on the estimated number of planning applications no longer required over a 10-year appraisal period, the measures have an estimated net present social value of £32.7 million, with a range

of £3.9 million to £228.1 million. For businesses, the principal benefits arise from reduced costs from, and time spent, preparing planning applications for qualifying equipment housing installations. The EANDCB is estimated to be approximately -£1.9 million, with a range from £0 million to -£8.0 million. The negative value represents a net benefit to business. The best estimate business net present value is £16.2 million.

9.5 Households are also expected to benefit from reduced planning costs and administrative burdens where cross-pavement solutions and associated charge points can proceed under permitted development rights. The equivalent annual net direct cost to households is estimated to be approximately -£1.7 million, also reflecting a net benefit through reduced planning costs and time spent preparing planning applications. Local planning authorities are expected to experience a modest reduction in administrative burdens from processing fewer planning applications. These public sector benefits are estimated at around £1.5 million over the appraisal period and are not included within the EANDCB calculation. The measures may also support more timely deployment of electric vehicle charging infrastructure and the transition to zero-emission vehicles and improve access to cheaper and more convenient home charging for households without off-street parking. These wider benefits have not been quantified because there is insufficient evidence to estimate changes in deployment robustly. The measures are expected to benefit small and micro businesses by reducing planning costs and supporting additional opportunities for charge point and cross-pavement solution providers. No significant adverse regional or distributional impacts, or material impacts on international trade and investment, have been identified.

Schools with reinforced autoclaved aerated concrete (Class CB, Part 4)

9.6 The measures will allow schools to provide temporary buildings for a time-limited period on their school sites where a school has been partially or fully vacated due to the presence of RAAC. It removes the small cost and time burden of having to submit a planning application where temporary buildings are required urgently to ensure that children's education is not disrupted by the closure of school buildings. There is no, or no significant, impact on business, charities or voluntary bodies.

Technical and consequential amendments in respect of the Building Safety Regulator

9.7 These are minor technical and consequential amendments to reflect the transferring of functions from the Health and Safety Executive to the Building Safety Regulator. There is no, or no significant, impact on business, charities or voluntary bodies.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The instrument does not include a statutory review clause. The Ministry of Housing, Communities and Local Government will continue to monitor permitted development rights with changes made accordingly to ensure intended outcomes are achieved.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").