

# Use classes order changes



Wendy Lane  
Assistant Director (Planning)

Strategic Environment Cabinet Committee

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# Legislation



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## STATUTORY INSTRUMENTS

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**2020 No. 757**

### **TOWN AND COUNTRY PLANNING, ENGLAND**

#### **The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020**

<i>Made</i> - - - -	<i>20th July 2020</i>
<i>Laid before Parliament</i>	<i>21st July 2020</i>
<i>Coming into force</i> - -	<i>1st September 2020</i>

The Secretary of State, in exercise of the powers conferred by sections 55(2)(f), and 333(2A) and (7) of the Town and Country Planning Act 1990(a), (“the 1990 Act”) makes the following Regulations.

# Basics



- The Use Class Order groups different uses of buildings and other land into Use Classes.
- *A material change of use* of a building / land between different Use Classes is defined as *development*.
- Planning Permission is required when *development* occurs.
- The Secretary of State can give automatic planning permission to change use either within a Use Class or between different Use Classes.
- All other changes require full planning permission

# Pre-September 2020



- Use Classes Order = 4 main groupings.
  - **A classes** which cover retail and food and drink consumption;
  - **B classes** which cover places of work like offices and manufacturing;
  - **C classes** which cover places of residence and
  - **D classes** which cover institutions and leisure uses.

# Explanatory memorandum



## *What is being done and why?*

- 7.1 The current Use Classes Order was introduced in 1987 and has been amended a number of times since. However, the government considers that it requires a complete overhaul to better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands. This is particularly important at the present time as town centres seek to recover from the economic impact of Coronavirus. Modern high streets and town centres have changed so that they now seek to provide a wider range of facilities and services, including new emerging uses, that will attract people and make these areas viable now and in the future.

# From 1<sup>st</sup> September



New Use Class regulations took effect in England on 1 September, creating:

- Class E (Commercial, Business and Service),
- Class F.1 (Learning and Non-residential institutions) and
- Class F.2 (Local community)
- Also defines certain uses which cannot be included in a specified class (Sui Generis)

# Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, creches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the local community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),	Class F.1 (Learning and non-residential institutions)	Class F.2 (Local community uses)
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# Transitional arrangements (1)



- Some of the uses that now fall within Class E previously had permitted development rights under their former classification (eg B1 offices to housing)
- Under the transitional provisions entitlement continues to 31 August 2020.
- This prevents new Class E uses automatically benefiting from rights of some E uses to change to residential (new PD rights expected by 31 July 2021)



# Transitional arrangements (2)



- Applications for planning permission, permission in principle or reserved matters approval, submitted before 1 September 2020, which refer to the existing use classes, must be determined using the (then) existing use classes rather than the new ones.
- Disused or unoccupied buildings with permission for a use now covered by Class E need to be brought back into that use before they can change again.

# Other restrictions



- Changes would not remove restrictions from
  - Conditions attached to existing planning permission(s) and associated section 106 planning obligations;
  - Current / historic enforcement action;
  - Article 4 directions;
  - Need for Listed Building Consent;
  - Need for planning permission for external works to facilitate a change of use;
  - Signage / advertisement consent;
  - Building Regulations requirements.

# Any questions?

