

Appendix C – Changes to Permitted Development Rights and Use Classes Order

Introduction

- 1.1 In summer 2020, the Government announced a series of changes to Permitted Development Rights and the Use Classes Order. These changes will come into effect from September 2020 and seek to “deliver much-needed new homes and revitalise town centres’.
- 1.2 In effect, these changes are intended to allow for greater flexibility when changing uses within town centres. However, as these changes are to be introduced without a spatial dimension, they will also make it easier to change uses in out of centre locations, such as business parks. As such careful consideration will be needed in planning for the future of town centres in the context of these changes.
- 1.3 We set out a brief summary of the changes below.

Permitted Development Rights

- 1.4 In July 2020 the Government introduced new statutory instruments amending permitted development rights, with these changes coming into effect in September 2020. These rights allow for the demolition of buildings and construction of new homes and adding additional storey to homes.
 - 1.5 The most significant change is a new Class ZA Permitted Development Right. This relates to the demolition of the buildings and replacement by either a single block of flats, or a detached house. The buildings to which this relates include a single detached block of flats, and any single detached building established for Office use within Class B1(a); Research and development within Class B1(b); or Industrial process within Class B1(c). Restrictions to this right include the following:
 - If the old building was constructed after 31 December 1989;
 - If the building is listed;
 - If the footprint of the building exceeds 1,000 square meters; and
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- Unless the old building has been vacant for at least 6 months immediately prior to the application for prior approval.

1.6 Homeowners will also be entitled to increase the size of their homes through the addition of up to two additional storeys (where the existing house consists of two or more storeys) or in the case of existing homes of one storey, one additional storey.

Use Classes Order

1.7 On 22 July 2020 the Town and Country Planning (Use Classes) Order 1987 was amended. The amendments include revoking Parts A and D and introducing three new use classes (Class E, F1 and F2). Below is an illustrative guide as dictated by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which is set to come into force in England on 1 September 2020. Alongside the above changes to permitted development rights, the Government hopes that these changes will support the revival of the high street and allow for greater flexibility in changing uses within town centres without the need for planning permission.

1.8 The amendment will introduce three new use classes, Classes E, F1 and F2.

- Use Class E – commercial, business and service will include shops or retail; cafes or restaurants; financial services; professional services; any service appropriate to provide in a commercial, business or service locality; indoor sports, recreation or fitness; medical or health services; creche, day nursery or day centre and offices.
 - Use Class F1 – learning and non-residential institutions will include any use not including residential for the provision of education, display of works of art, museum, public library, public reading room, public hall, exhibition hall, for or in connection with public worship or religious instruction or as a law court.
 - Use Class F2 – local community will include a shop selling mostly essential goods, including food, no larger than 280 sq m and where there is no other such facility within 1,000m radius of the shop's location. A hall or meeting place for the local community, an area or place for outdoor sport or recreation and an indoor or outdoor swimming pool or skating rink.
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- Sui Generis – use within this Class now include Public house, wine bar or drinking establishment; a drinking establishment with expanded food provision; as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises; live music venue; cinema; concert hall; bingo hall or dance hall.
- 1.9 Parts A and D of the original schedule to the Use Classes Order have been removed in their entirety, whilst Use Classes A1, A2, A3, B1 and parts of Use Classes D1 and D2 have been folded into the new Use Class E (commercial, business and service). Changes to use within this new Use Class will not constitute development.
- 1.10 Remaining Use Class within Parts A and D, such as Classes A4 and A5, are now Sui Generis uses. This changes will mean that no changes of use to for from these uses are considered permitted development.
- 1.11 The above changes are not linked to any spatial considerations, and as such will apply to both town centres and out of centre locations. This presents the possibility of retail uses in out of centre business parks, which is contrary to policies that seek to protect town centres for retail uses in current national and local planning policies.
- 1.12 The Use Classes prior to 1 September 2020 will continue to be relevant for permitted development rights, as dictated by the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (Order) 2015, during the 'material period', to 31 July 2021.
- 1.13 Applications submitted or deemed to be submitted to the Local Planning Authority before the 31 August 2020 will be determined by the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (Order) 2015. From 1 September 2020 new planning applications will be determined in accordance with the new Use Classes.
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