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STATUTORY INSTRUMENTS

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**2010 No. 653**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Use  
Classes) (Amendment) (England) Order 2010**

*Made* - - - - *8th March 2010*

*Coming into force* - - *6th April 2010*

The Secretary of State, in exercise of the powers conferred by sections 55(2)(f) and 333(7) of the Town and Country Planning Act 1990(1), makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 and shall come into force on 6th April 2010.

(2) This Order applies in relation to England only.

**Amendment of the Town and Country Planning (Use Classes) Order 1987**

2.—(1) The Town and Country Planning (Use Classes) Order 1987(2) is amended as follows.

(2) In Part C of the Schedule, for Class C2A substitute—

**“Class C2A. Secure residential institutions**

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.”.

(3) In Part C of the Schedule, for Class C3 substitute—

**“Class C3. Dwellinghouses**

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

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(1) 1990 c.8; to which there are amendments not relevant to this Order. These powers are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c.8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(2) S.I.1987/764; relevant amendments were made by S.I.1994/724 and S.I.2006/1282.

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- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

### **Interpretation of Class C3**

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004<sup>(3)</sup>.”

(4) In Part C of the Schedule, after Class C3 insert—

### **“Class C4. Houses in multiple occupation**

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

### **Interpretation of Class C4**

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”.

Signed by authority of the Secretary of State for Communities and Local Government

8th March 2010

*John Healey*  
Minister of State  
Department for Communities and Local  
Government

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(3) 2004 c.34. Section 254 of the Housing Act 2004 is also relevant.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order) ([S.I.1987/764](#)) for England only.

The Use Classes Order specifies classes of use of buildings or other land for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990. Section 55(2)(f) provides that a change of use is not to be taken as development where the former use and the new use are both within the same class as specified in an order. Changes of use which are not to be taken as development do not require planning permission.

Article 2(2) restates Use Class C2A (secure residential institutions) to clarify that this Class is not confined to Crown land.

Article 2(3) amends Use Class C3 (dwellinghouses) to remove from its scope certain small scale houses in multiple occupation.

Article 2(4) introduces a new Use Class (houses in multiple occupation) which, subject to an exception, covers use of a dwellinghouse as a house in multiple occupation as defined in section 254 of the Housing Act 2004. In broad terms, this use occurs where tenanted living accommodation is occupied by persons as their only or main residence, who are not related, and who share one or more basic amenities.

An impact assessment has been prepared in relation to this Order. It has been placed in the library of each House of Parliament and copies may be obtained from the Planning Directorate, the Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU (<http://www.communities.gov.uk/publications/planningandbuilding/hmoimpactassessment>).