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STATUTORY INSTRUMENTS

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**2019 No. 907**

The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

PART 2

Amendments to the Town and Country Planning  
(General Permitted Development) (England) Order 2015

**Amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015**

2. The Town and Country Planning (General Permitted Development) (England) Order 2015(1) is amended as follows.

**Amendment to article 2**

3. In article 2(1) (interpretation), for the definition of “transport undertakers” substitute—
- ““transport undertakers” includes, in addition to the meaning of transport undertaker in section 329 of the Highways Act 1980 (further provision as to interpretation), any person authorised to carry on—
- (a) a road transport undertaking; or
  - (b) a tramway undertaking.”

**Amendments to Part 1, Class A**

4. In Class A of Part 1 of Schedule 2—
- (a) in paragraph A.1(g) omit the words “until 30th May 2019,”;
  - (b) in paragraph A.4 omit sub-paragraphs (13), (14) and (15).

**Amendments to Part 2, Class E**

5. In Class E of Part 2 of Schedule 2—
- (a) for paragraph E.1(a) substitute—
    - “(a) in relation to an upstand and outlet—
      - (i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or

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(1) [S.I. 2015/596](#), which has been amended by [S.I. 2016/332](#), [S.I. 2016/1040](#), [S.I. 2017/391](#), [S.I. 2017/619](#), [S.I. 2018/119](#) and [S.I. 2018/343](#).

- (ii) in any other case, exceed 2.3 metres in height from the level of the surface used for the parking of vehicles;”;
- (b) after paragraph E.2. (conditions) insert—

**“E.3. Interpretation of Class E**

For the purposes of Class E—

“block of flats” means a building which consists of at least two flats.”.

**Amendments to Part 3, Class J**

6. In Part 3 of Schedule 2, after Class J, insert—

*“Class JA – retail, takeaway, betting office, pay day loan shop, and launderette uses to offices*

**Permitted development**

JA. Development consisting of a change of use of a building from—

- (a) a use falling within Class A1 (shops), Class A2 (financial and professional services), or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order, or
  - (b) a use as a betting office, pay day loan shop or launderette,
- to a use falling within Class B1(a) (offices) of that Schedule.

**Development not permitted**

JA.1. Development is not permitted by Class JA if—

- (a) the building was not used for one of the uses referred to in Class JA(a) or (b)—
  - (i) on 29th October 2018, or
  - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
- (c) the development (together with any previous development under Class JA) would result in more than 500 square metres of floor space in the building having changed use under Class JA; or
- (d) the building is—
  - (i) on article 2(3) land;
  - (ii) in a site of special scientific interest;
  - (iii) in a safety hazard area;
  - (iv) in a military explosives storage area;
  - (v) a listed building, or within the curtilage of a listed building; or
  - (vi) a scheduled monument or contains a scheduled monument.

### Conditions

JA.2(1) Where the development proposed is development under Class JA, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) whether it is undesirable for the building to change use to a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order because of the impact of the change of use—
  - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaway) of that Schedule or, as the case may be, as a launderette, but only where there is a reasonable prospect of the building being used to provide such services; or
  - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area; and
- (c) impacts of noise from commercial and retail premises on the intended occupiers of the development; and

the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

- (2) Development under Class JA is permitted subject to the condition that—
  - (a) development must be completed within a period of 3 years starting with the prior approval date; and
  - (b) a building which has changed use under Class JA is to be used as an office within the meaning of Class B1(a) (offices) of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such an office.”.

### Amendments to Part 3, Class M

- 7. In Class M of Part 3 of Schedule 2—
  - (a) in the heading after “retail”, insert “, takeaways”;
  - (b) for paragraph M(a)(i) substitute—
    - “(i) a use falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order,”;
  - (c) for paragraph M.2(1)(d)(i) substitute—
    - “(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or”.

### Amendment to Part 3, Class Q

- 8. In Class Q of Part 3 of Schedule 2 after paragraph Q.1(b), insert—
  - “(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;”.

### **Amendment to Part 3, Paragraph W**

9. In paragraph W of Part 3 of Schedule 2, for paragraph W(10)(b), substitute—
- “(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019(2), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and”.

### **Amendments to Part 4, Class C**

10. In Class C of Part 4 of Schedule 2—
- (a) in paragraph C.2(d) after “a particular site;” omit “and”;
- (b) after paragraph C.2(d) insert—
- “(da) for the purposes of the Use Classes Order as it applies to Class T of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use class it had before changing to the use as a state-funded school;
- (db) for the purposes of Class S of Part 3 of Schedule 2 to this Order, during the period of use as a state-funded school the building and any land within its curtilage retains the use as an agricultural building before changing to the use as a state-funded school; and”.

### **Amendments to Part 4, Class D**

11. In Class D of Part 4 of Schedule 2—
- (a) in paragraph D(b) for “or Class B1 (business)” substitute—
- “, Class B1 (business), Class D1(a) (the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner), Class D1(d) (the display of works of art (otherwise than for sale or hire)), Class D1(e) (museum), Class D1(f) (public library or public reading room), or Class D1(g) (public hall or exhibition hall)”;
- (b) in paragraph D for “2 years” substitute “3 years”;
- (c) in paragraphs D.2(b) and D.2(c) for “2 year” substitute “3 year”.

### **Amendment to Part 4, Class E**

12. In Class E of Part 4 of Schedule 2 for paragraph E.3(10)(b), substitute—
- “(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019(3), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.”.

### **Amendments to Part 7**

13. In Class F of Part 7 of Schedule 2—
- (a) in paragraph F.1(d) omit “or”;

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(2) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(3) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

- (b) in paragraph F.1(e) for “.” substitute “; or”;
- (c) after paragraph F.1(e) insert—
  - “(f) the building is in use as an office as permitted by Class JA (retail, takeaway, betting office, pay day loan shop, and launderette uses to offices) of Part 3 of this Schedule.”

**14.** In Class G of Part 7 of Schedule 2—

- (a) in paragraph G.1(a) omit “or”;
- (b) in paragraph G.1(b) for “.” substitute “; or”;
- (c) after paragraph G.1(b) insert—
  - “(c) the building is in use as an office as permitted by Class JA (retail, takeaway, betting office, pay day loan shop, and launderette uses to offices) of Part 3 of this Schedule.”.

**Amendment to Part 14**

**15.** In Class J of Part 14 of Schedule 2 for paragraph J.4(8)(b), substitute—

- “(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019(4), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.”.

**Amendments to Part 16**

**16.** In Class A of Part 16 of Schedule 2—

- (a) in paragraph A.1(7), omit the whole of paragraph (c);
- (b) after paragraph A.1(9), insert—

*“Development not permitted: public call box*

  - (10) Development consisting of the installation, alteration or replacement of a public call box is not permitted by Class A.”;
- (c) in paragraph A.2(3)(c), for sub-paragraph (iii) substitute—
  - “(iii) the construction, installation, alteration or replacement of radio equipment housing, where the volume of any single development exceeds 2.5 cubic metres,”;
- (d) in paragraph A.4 (interpretation of Class A)—
  - (i) after the definition of “electronic communications code operator” insert—

““electronic communications service” means a service falling within the definition of that term in section 32(2) of the Communications Act 2003(5);”;
  - (ii) after the definition of “owner” insert —

““public call box” means any kiosk, booth, acoustic hood, shelter or similar structure which is erected or installed for the purpose of housing or supporting electronic communications apparatus and at which an electronic communications service is provided (or is to be provided) by an electronic communications code operator;”.

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(4) <https://www.gov.uk/government/publications/national-planning-policy-framework--2> a copy of which may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(5) 2003 c.21. Section 32 was amended by S.I. 2011/1210 Schedule 1 paragraph 9(b).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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