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STATUTORY INSTRUMENTS

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**2020 No. 330**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020**

<i>Made</i>	- - - -	<i>at 10.42 a.m. on 23rd March 2020</i>
<i>Laid before Parliament</i>		<i>at 1.30 p.m. on 23rd March 2020</i>
<i>Coming into force</i>	- -	<i>at 10.00 a.m. on 24th March 2020</i>

The Secretary of State in exercise of the powers conferred by sections 59, 60(1) and 61(1) of the Town and Country Planning Act 1990(1), makes the following Order.

**Citation and Commencement**

1. This Order may be cited as the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020 and comes into force at 10.00 a.m. on 24th March 2020.

**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(2) is amended in accordance with articles 3 and 4.

3. In article 4(1) after “other than” insert “Class DA of Part 4 or”.

4. In Part 4 of Schedule 2, after Class D insert—

**“Class DA**

*Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food*

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(1) 1990 c. 8. Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152 of the Housing and Planning Act 2016 (c. 22).  
(2) 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, S.I. 2018/343 and S.I. 2019/907.

### **Permitted Development**

DA. Development consisting of a change of use of a building and any land within its curtilage from—

- (a) a use falling within—
  - (i) Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order; or
  - (ii) Class A4 (drinking establishments) of that Schedule;
- (b) a mixed use for any purpose within that Class A3 and Class A4; or
- (c) a use as a drinking establishment with expanded food provision as defined in Class AA of Part 3 to this Schedule,

to a use, at any time during the period beginning with 10.00 a.m. on 24th March 2020 and ending with 23rd March 2021 (“the relevant period”), for the provision of takeaway food.

### **Conditions**

DA.1 Development is permitted by Class DA subject to the following conditions—

- (a) the developer must notify the local planning authority if the building and any land within its curtilage is being used, or will be used, for the provision of takeaway food at any time during the relevant period;
- (b) for the purposes of the Use Classes Order and this Order, change of use to the provision of takeaway food under Class DA during the relevant period does not affect the use class which the building and any land within its curtilage had before the change of use; and
- (c) if the developer changes use to the provision of takeaway food under Class DA during the relevant period, the use of the building and any land within its curtilage reverts to its previous lawful use at the end of the relevant period or, if earlier, when the developer ceases to provide takeaway food under Class DA.

### **Interpretation of Class DA**

DA.2 For the purposes of Class DA—

the “provision of takeaway food” includes any use for any purpose within Class A5 of the Schedule to the Use Classes Order, and any use for the provision of hot or cold food that has been prepared for consumers for collection or delivery to be consumed, reheated or cooked by consumers off the premises.”.

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

*Christopher Pincher*

Minister of State

Ministry of Housing, Communities and Local

Government

At 10.42 a.m. on 23rd March 2020

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## EXPLANATORY NOTE

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

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”) (S.I. 2015/596).

Article 3 excludes the new permitted development right inserted by article 4 of this Order from the provisions in article 4(1) of the General Permitted Development Order, preventing a local authority and the Secretary of State from directing that development permitted by this Order is not to apply in relation to a specified area.

Article 4 inserts a new permitted development right. This will allow for a time limited (temporary) change of use to the provision of takeaway food, from a use falling within-

- (a) Class A3 (restaurants and cafes) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764);
- (b) Class A4 (drinking establishments) of that Schedule;
- (c) a mixed use for any purpose within that Class A3 and A4; or
- (d) Class AA (drinking establishments with enhanced food provision) of Part 3 of Schedule 2 to the GPDO.

An impact assessment has not been prepared for this Order.