SCHEDULE 2
Permitted development rights

PART 3
Changes of use

Class J – retail or betting office or pay day loan shop to assembly and leisure

Permitted development

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

(a) falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or

(b) as a betting office or pay day loan shop,

to a use falling within Class D2 (assembly and leisure) of that Schedule.

Development not permitted

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

(a) the building was not used solely for a use falling within Class J(a) or (b)—

(i) on 5th December 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, on the date it was last in use, or

(iii) in the case of a building which is brought into use after 5th December 2013, for a period of at least 5 years before the date development under Class J begins;

(b) the cumulative floor space of the existing building changing use under Class J exceeds 200 square metres;

(c) the development (together with any previous development under Class J) would result in more than 200 square metres of floor space in the building having changed use under Class J;

(d) the building is on article 2(3) land;

(e) the land or the site on which the building is located is or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(f) the land or building is, or contains, a scheduled monument; or

(g) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

J.2.—(1) Class J is permitted subject 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) noise impacts of the development,
(b) impacts of the hours of opening of the development,
(c) transport and highways impacts of the development, and
(d) whether it is undesirable for the building to change to a use falling within Class D2 (assembly and leisure) 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) or, as the case may be, Class A2 (financial and professional services) of that Schedule, 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

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

(2) Subject to sub-paragraph (3), development under Class J must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class J, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class J must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class J.