SCHEDULE 2

Permitted development rights

PART 3

Changes of use

Class N – specified sui generis uses to dwellinghouses

Permitted development

N. Development consisting of—

(a) *a change of use of a building and any land within its curtilage from a use as—*

(i) *an amusement arcade or centre, or*

(ii) a casino,

to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and

(b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Development not permitted

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

(a) the building was not used solely for one of the uses specified in Class N(a)—

(i) on 19th March 2014, 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) the cumulative floor space of the existing building changing use under Class N exceeds 150 square metres;

(c) the development (together with any previous development under Class N) would result in more than 150 square metres of floor space in the building having changed use under Class N;

(d) the development under Class N(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph (d)(i);

(e) the building is within—

(i) an area of outstanding natural beauty;

   (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the
      Wildlife and Countryside Act 1981(**1**);

   (iii) the Broads;

   (iv) a National Park; or

    (v) a World Heritage Site;

  (f) the site is, or forms part of—

    (i) a site of special scientific interest;

   (ii) a safety hazard area;

   (iii) a military explosives storage area;

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

  (h) the site is, or contains, a scheduled monument.

Conditions

N.2.—(1) Where the development proposed is development under Class N(a) together with development under Class N(b), 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) contamination risks in relation to the building,

  (c) flooding risks in relation to the building, and

  (d) the design or external appearance of the building,

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

 (2) Where the development proposed is development under Class N(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (c) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

 (3) Development under Class N is permitted subject to the condition that development under Class N(a), and under Class N(b), if any, must be completed within a period of 3 years starting with the prior approval date.

(**1**) 1981 c. 69. Section 41 was amended by sections 20 and 24 of, and Schedules 3 and 4 to, the Agriculture Act 1986 (c. 49), Schedule 3 to the Norfolk and Suffolk Broads Act 1988 (c. 4), Schedule 10 to the Environment Act 1995 (c. 25) and Schedules 11 and 12 to the Natural Environment and Rural Communities Act 2006 (c. 16). There are other amendments not relevant to this Order.