

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, Cross Heading: Class V – changes of use permitted under a permission granted on an application. (See end of Document for details)

SCHEDULE 2

Permitted development rights

PART 3

Changes of use

Class V – changes of use permitted under a permission granted on an application

Permitted development

V. Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.

Development not permitted

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

- (a) the application for planning permission referred to was made before 5th December 1988;
- (b) it would be carried out more than 10 years after the grant of planning permission;
- (c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or
- (d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

Procedure for applications for prior approval under Part 3

W.—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which, in relation to development proposed under Class ^{F1}... M, N or Q of this Part, must [^{F2}in the same application] include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
- ^{F3}(ba) in relation to development proposed under Classes [^{F4}G] M, [^{F5}MA,] N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);]
- ^{F6}(bb) in relation to development proposed under Class Q of this Part, a statement specifying—
 - (i) the number of smaller dwellinghouses proposed;
 - (ii) the number of larger dwellinghouses proposed;
 - (iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;]

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[^{F7}(bc) in relation to development proposed under Class [^{F8}G,] M, [^{F9}MA,] N, O, PA or Q of this Part, a floor plan indicating [^{F10}the total floor space in square metres of each dwellinghouse,] the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;]

- (c) the developer's contact address;
- (d) the developer's email address if the developer is content to receive communications electronically; and
- (e) where sub-paragraph (6) requires the Environment Agency ^{M1} to be consulted, a site-specific flood risk assessment,

together with any fee required to be paid.

[^{F11}(2A) Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.]

- (3) The local planning authority may refuse an application where, in the opinion of the authority—
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, [^{F12}except for conditions in paragraph [^{F13}G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(1)(f),] paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),] limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency ^{M2} where the development is—

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

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- (8) The local planning authority must give notice of the proposed development—
- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development;
 - (iii) specifies the date by which representations are to be received by the local planning authority; or
 - (b) by serving a notice in that [^{F14}form—]
 - [^{F14}(i) on any adjoining owner or occupier; and
 - (ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building]
- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
- (a) assessments of impacts or risks;
 - (b) statements setting out how impacts or risks are to be mitigated; or
 - (c) details of proposed building or other operations.
- (10) The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
 - [^{F15}(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [^{F16}July 2021], so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and]
 - (c) in relation to the contamination risks on the site—
 - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990 ^{M3}, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012 ^{M4}, and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.
- (11) The development must not begin before the occurrence of one of the following—
- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
 - (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
 - (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.
- (12) The development must be carried out—
- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
 - (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),
- unless the local planning authority and the developer agree otherwise in writing.

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(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

[^{F17}(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.]

Textual Amendments

- F1** Word in Sch. 2 Pt. 3 para. W(2)(a) omitted (1.8.2021) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(20)(a)(i)** (with Sch.)
- F2** Words in Sch. 2 Pt. 3 para. W.(2) inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **11(a)**
- F3** Sch. 2 Pt. 3 para. W(2)(ba) inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **10** (with art. 15(2))
- F4** Word in Sch. 2 Pt. 3 para. W(2)(ba) inserted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(20)(a)(ii)** (with Sch.)
- F5** Word in Sch. 2 Pt. 3 para. W(2)(ba) inserted (21.4.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/428\)](#), arts. 1(1), **8(2)(a)** (with art. 15(3))
- F6** Sch. 2 Pt. 3 para. W.(2)(bb) inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **11(b)**
- F7** Sch. 2 Pt. 3 para. W(2)(bc) inserted (1.8.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(2), **18(a)**
- F8** Word in Sch. 2 Pt. 3 Class T para. W(2)(bc) inserted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(20)(a)(iii)** (with Sch.)
- F9** Word in Sch. 2 Pt. 3 para. W(2)(bc) inserted (21.4.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/428\)](#), arts. 1(1), **8(2)(b)(i)** (with art. 15(3))
- F10** Words in Sch. 2 Pt. 3 para. W(2)(bc) inserted (21.4.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/428\)](#), arts. 1(1), **8(2)(b)(ii)** (with art. 15(2)(a)(3))
- F11** Sch. 2 Pt. 3 para. W(2A) inserted (1.8.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(2), **18(b)**
- F12** Words in Sch. 2 Pt. 3 para. W(3) inserted (1.8.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(2), **18(c)**
- F13** Words in Sch. 2 Pt. 3 para. W(3) substituted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(20)(b)** (with Sch.)
- F14** Words in Sch. 2 Pt. 3 para. W(8)(b) substituted (21.4.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/428\)](#), arts. 1(1), **8(3)** (with art. 15(2)(a)(3))
- F15** Sch. 2 Pt. 3 para. W(10)(b) substituted (25.5.2019) by [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019 \(S.I. 2019/907\)](#), regs. 1(2), **9**
- F16** Words in Sch. 2 Pt. 3 para. W(10)(b) substituted (11.1.2022) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 3\) Order 2021 \(S.I. 2021/1464\)](#), arts. 1(2)(c), **3(1)(b)**

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F17 Sch. 2 Pt. 3 para. W.(14) inserted (coming into force in accordance with art. 1(6) of the amending S.I.) by *The Town and Country Planning (Local Authority Consultations etc.) (England) Order 2018* (S.I. 2018/119), **art. 26(2)**

Marginal Citations

- M1** A body established under section 1 of the *Environment Act 1995* (c. 25).
M2 A body established under section 1 of the *Environment Act 1995* (c. 25).
M3 *1990 c. 25*. Part 2A was inserted by section 57 of the *Environment Act 1995* (c. 25). See in particular section 78(2), was amended by section 86 of the *Water Act 2003* (c. 37).
M4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf

Interpretation of Part 3

X. For the purposes of Part 3—

“agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses;

“agricultural tenancy” means a tenancy under—

- (a) the *Agricultural Holdings Act 1986* ^{M5}; or
- (b) the *Agricultural Tenancies Act 1995* ^{M6};

“curtilage” means, for the purposes of Class Q, R or S only—

- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
- (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

whichever is the lesser;

“established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture—

- (a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or
- (b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

[^{F18}“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;]

“pay day loan shop” has the meaning given in the *Use Classes Order* ^{M7};

“prior approval date” means the date on which—

- (a) prior approval is given; or
- (b) a determination that such approval is not required is given or the period for giving such a determination set out in paragraph W(11)(c) of this Part has expired without the applicant being notified whether prior approval is required, given or refused;

“registered nursery” means non-domestic premises in respect of which a person is registered under Part 3 of the *Childcare Act 2006* ^{M8} to provide early years provision;

“site” means the building and any land within its curtilage;

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“state-funded school” means a school funded wholly or mainly from public funds, including—

- (a) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010 ^{M9};
- (b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998 ^{M10}; and

“sui generis use” means a use for which no class is specified in [^{F19}Schedule 1 or 2] to the Use Classes Order.

Textual Amendments

- F18** Words in Sch. 2 Pt. 3 para. X inserted (1.8.2020) by [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020](#) (S.I. 2020/632), regs. 1(2), **19**
- F19** Words in Sch. 2 Pt. 3 para. X substituted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021](#) (S.I. 2021/814), arts. 1(1), **4(21)** (with Sch.)

Marginal Citations

- M5** [1986 c. 5](#); relevant amendments are made by Schedule 12 to the [Education Reform Act 1988](#) (c. 40), the Schedule to the [Agricultural Tenancies Act 1995](#) (c. 8), **Schedule 8** to the [Civil Partnership Act 2004](#) (c. 33) and [S.I. 2006/2805](#) and 2013/1036.
- M6** [1995 c. 8](#); relevant amendments are made by Schedule 8 to the [Civil Partnership Act 2004](#), and [S.I. 2006/2805](#) and 2013/1036.
- M7** [S.I. 1987/764](#). The definition of “pay day loan shop” was inserted by [S.I. 2015/597](#).
- M8** [2006 c. 21](#). See in particular: section 34 regarding the need for a person to be registered in respect of premises; section 96 in relation to the definition of “early years provision”; and section 98 in relation to the definition of “premises” (to which there are amendments not relevant to this Order). There are other amendments to the 2006 Act but none are relevant to this Order.
- M9** [2010 c. 32](#); see in particular sections 1 to 1C. Relevant amendments are made by Part 6 of the [Education Act 2011](#) (c. 21).
- M10** [1998 c. 31](#). The definition was amended by [S.I. 2010/1158](#); there are other amendments to section 142(1) but none are relevant to this Order.

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