

SCHEDULE 2

Permitted development rights

PART 3

Changes of use

^{F1}Class A – casino, betting office, pay day loan shop or hot food takeaway to commercial, business and service

Textual Amendments

- F1** Sch. 2 Pt. 3 Class A 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(2)** (with Sch.)

Permitted development

A. Development consisting of a change of use of a building from a use falling within one of the following provisions of the Use Classes Order—

- (a) article 3(6)(m) (casino);
- (b) article 3(6)(n) (betting office);
- (c) article 3(6)(o) (pay day loan shop); or
- (d) article 3(6)(r) (hot food takeaway),

to a use falling within Class E (commercial, business and service) of Schedule 2 to that Order.

Conditions

A.1. Development under Class A is permitted subject to the condition that, before beginning the development, the developer provides written notification to the local planning authority of the date on which the use of the building will change.]

^{F2}Class AA – drinking establishments with expanded food provision

Textual Amendments

- F2** Sch. 2 Pt. 3 Class AA and cross-heading inserted (23.5.2017) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(1)(b)** (with art. 5)

^{F3}Permitted Development

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

- (a) from a use falling within article 3(6)(p) (public house, wine bar, or drinking establishment) of the Use Classes Order to a use falling within article 3(6)(q) (drinking establishment with expanded food provision) of that Order; or

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

(b) from a use falling within article 3(6)(q) to a use falling within article 3(6)(p).]]

Textual Amendments

F3 Sch. 2 Pt. 3 Class AA para. AA 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(3)** (with Sch.)

Class B – takeaways ^{F4}... to restaurants and cafes

Textual Amendments

F4 Words in Sch. 2 Pt. 3 Class B heading omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(1)(c)(i)** (with art. 5)

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Textual Amendments

F5 Sch. 2 Pt. 3 Class B 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(4)** (with Sch.)

Class C – retail, betting office or pay day loan shop or casino to restaurant or cafe

• ^{F6}

Textual Amendments

F6 Sch. 2 Pt. 3 Class C 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(5)** (with Sch.)

Class D – shops to financial and professional

• ^{F7}

Textual Amendments

F7 Sch. 2 Pt. 3 Class D 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(6)** (with Sch.)

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3. (See end of Document for details)

Class E – financial and professional or betting office or pay day loan shop to shops

• ^{F8}

Textual Amendments

F8 Sch. 2 Pt. 3 Class E 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(7)** (with Sch.)

Class F – betting offices or pay day loan shops to financial and professional

• ^{F9}

Textual Amendments

F9 Sch. 2 Pt. 3 Class F 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(8)** (with Sch.)

Class G – [^{F10} commercial, business and service] or betting office or pay day loan shop to mixed use

Textual Amendments

F10 Words in Sch. 2 Pt. 3 Class G heading 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(9)(a)** (with Sch.)

Permitted development

G. Development consisting of a change of use of a building—

[^{F11}(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;]

^{F12}(b)

[^{F13}(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;]

^{F14}(d)

(e) *from a use [^{F15}falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] to a mixed use [^{F15}falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] and as up to 2 flats.*

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

Textual Amendments

- F11** Sch. 2 Pt. 3 Class G para. G(a) 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\(9\)\(b\)\(i\)](#) (with Sch.)
- F12** Sch. 2 Pt. 3 Class G para. G(b) 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\(9\)\(b\)\(ii\)](#) (with Sch.)
- F13** Sch. 2 Pt. 3 Class G para. G(c) 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\(9\)\(b\)\(iii\)](#) (with Sch.)
- F14** Sch. 2 Pt. 3 Class G para. G(d) 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\(9\)\(b\)\(iv\)](#) (with Sch.)
- F15** Words in Sch. 2 Pt. 3 Class G para. G(e) 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\(9\)\(b\)\(v\)](#) (with Sch.)

Conditions

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

- (a) some or all of the parts of the building used [^{F16}for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to,] the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;
- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;
- (c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
 - (i) by a single person or by people living together as a family, or
 - (ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents)^{F17};
- (d) before beginning 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—
 - (i) contamination risks in relation to the building;
 - (ii) flooding risks in relation to the building;
 - (iii) impacts of noise from commercial premises on the intended occupiers of the development;
 - (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (v) arrangements required for the storage and management of domestic waste.]

Textual Amendments

- F16** Words in Sch. 2 Pt. 3 Class G para. G.1(a) 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\(9\)\(c\)\(i\)](#) (with Sch.)

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3. (See end of Document for details)

F17 Sch. 2 Pt. 3 Class G para. G.1(d) 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(9)(c)(ii)** (with Sch.)

Interpretation of Class G

G.2 For the purposes of Class G, “care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

Class H – mixed use to ^{F18}commercial, business and service or betting office or pay day loan shop]

Textual Amendments

F18 Words in Sch. 2 Pt. 3 Class H heading 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(10)(a)** (with Sch.)

Permitted development

H. *Development consisting of a change of use of a building—*

^{F19}(a) from a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order and as up to 2 flats, to a use for any purpose within that Class;]

^{F20}(b)

^{F21}(c) from a mixed use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats, to use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order;]

^{F22}(d)

(e) *from a mixed use ^{F23}within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order] and as up to 2 flats to a use ^{F23}within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order].*

Textual Amendments

F19 Sch. 2 Pt. 3 Class H para. H(a) 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(10)(b)(i)** (with Sch.)

F20 Sch. 2 Pt. 3 Class H para. H(b) 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(10)(b)(ii)** (with Sch.)

F21 Sch. 2 Pt. 3 Class H para. H(c) 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(10)(b)(iii)** (with Sch.)

F22 Sch. 2 Pt. 3 Class H para. H(d) 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(10)(b)(iv)** (with Sch.)

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3. (See end of Document for details)

F23 Words in Sch. 2 Pt. 3 Class H para. H(e) 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(10)(b)(v)** (with Sch.)

[^{F24}Development not permitted

H.1 Development is not permitted by Class H unless each part of the building used as a flat was, immediately prior to being so used, used for any purpose within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order.]

Textual Amendments
F24 Sch. 2 Pt. 3 Class H para. H.1. 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(10)(c)** (with Sch.)

[^{F25}Class I – industrial conversions

Textual Amendments
F25 Sch. 2 Pt. 3 Class I 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(11)** (with Sch.)

Permitted development

I. Development consisting of a change of use of a building from any use falling within Class B2 (general industrial) of Schedule 1 to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.

Development not permitted

I.1. Development is not permitted by Class I if the change of use relates to more than 500 square metres of floor space in the building.]

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

F26

Textual Amendments
F26 Sch. 2 Pt. 3 Class J 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(12)** (with Sch.)

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

F27

Textual Amendments

F27 Sch. 2 Pt. 3 Class JA 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(13)** (with Sch.)

Class K – casinos to assembly and leisure

F28

Textual Amendments

F28 Sch. 2 Pt. 3 Class K 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(14)** (with Sch.)

Class L – small HMOs to dwellinghouses and vice versa

Permitted development

L. Development consisting of a change of use of a building—

- (a) *from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;*
- (b) *from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.*

Development not permitted

L.1 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
- (b) as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

[^{F29}Class M – [^{F30}certain uses to dwellinghouses]

Textual Amendments

F29 Sch. 2 Pt. 3 Class M para. M and cross-heading substituted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **6(2)**

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

F30 Sch. 2 Pt. 3 Class M heading 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(15)(a)** (with Sch.)

[^{F31}Permitted development

M. Development consisting of—

- (a) a change of use of a building from—
 - (i) a use falling within one of the following—
 - (aa) launderette;
 - (bb) betting office;
 - (cc) pay day loan shop;
 - (dd) hot food takeaway; or
 - (ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise);
- to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or
- (b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).]

Textual Amendments
F31 Sch. 2 Pt. 3 Class M para. M 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(15)(b)** (with Sch.)

Development not permitted

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

- (a) the building was not used for one of the uses referred to in Class M(a)—
 - (i) on 20th March 2013, 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;
- ^{F32}(b)
- (c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
- (d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
- (e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

- (g) 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
 - (vi) a scheduled monument.

Textual Amendments

F32 Sch. 2 Pt. 3 Class M para. M.1(b) 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(15)(c)** (with Sch.)

Conditions

M.2—(1) Where the development proposed is development under Class M(a) together with development under Class M(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,
- (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—
 - [^{F33}(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,]
 - ^{F34}(ii)
- (e) the design or external appearance of the building [^{F35}, and]
- [^{F36}(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,]

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 M(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 (d) [^{F37}and (f),] and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

- (a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; ^{F38}...
- (b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 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 a dwellinghouse [^{F39}; and]

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

[^{F39}(c) where the proposed development includes a change of use of a building from a use falling within Class A1 or Class A2 of the Use Classes Order, the developer must apply for a determination under sub-paragraph (1) or (2) on or before 31 July 2021].]

Textual Amendments

F33 Sch. 2 Pt. 3 Class M para. M.2(1)(d)(i) 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(15)(d)(i)** (with Sch.)

F34 Sch. 2 Pt. 3 Class M para. M.2(1)(d)(ii) 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(15)(d)(ii)** (with Sch.)

F35 Word in Sch. 2 Pt. 3 Class M para. M.2(1)(e) 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), **13(b)** (with reg. 27)

F36 Sch. 2 Pt. 3 Class M para. M.2(1)(f) 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), **13(c)** (with reg. 27)

F37 Words in Sch. 2 Pt. 3 Class M para. M.2(2) 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), **13(d)** (with reg. 27)

F38 Word in Sch. 2 Pt. 3 Class M para. M.2(3)(a) omitted (21.4.2021) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2021 \(S.I. 2021/428\)](#), arts. 1(1), **5(a)** (with art. 15(3))

F39 Sch. 2 Pt. 3 Class M para. M.2(3)(c) and word 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), **5(b)** (with art. 15(3))

[^{F40}*Class MA – commercial, business and service uses to dwellinghouses*

Textual Amendments

F40 Sch. 2 Pt. 3 Class MA 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), **6** (with art. 15(3))

Permitted development

MA. *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

^{F41}(a)

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

^{F42}(c)

- (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;
 - (e) if 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;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
 - (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
 - (g) before 1 August 2022, if—
 - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.
- (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
- (a) the following classes of the Schedule as it had effect before 1st September 2020—
 - (i) Class A1 (shops);
 - (ii) Class A2 (financial and professional services);
 - (iii) Class A3 (food and drink);
 - (iv) Class B1 (business);
 - (v) Class D1(a) (non-residential institutions – medical or health services);
 - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
 - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
 - (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Textual Amendments

- F41** Sch. 2 Pt. 3 Class MA para. MA.1(1)(a) omitted (5.3.2024) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024 \(S.I. 2024/141\)](#), arts. 1(1), **3(2)**
(a)
- F42** Sch. 2 Pt. 3 Class MA para. MA.1(1)(c) omitted (5.3.2024) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024 \(S.I. 2024/141\)](#), arts. 1(1), **3(2)**
(b)

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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 impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; ^{F43} ...
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost ^{F44}; and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph ^{F45}as if—

- (a) for paragraph (e) of sub-paragraph (2) there were substituted—
 - “(e) where—
 - (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
 - (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development.”;
- (b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;
- (c) after sub-paragraph (6) there were inserted—
 - “(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;
- (d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]

Textual Amendments

- F43** Word in Sch. 2 Pt. 3 Class MA para. MA.2(2)(g) 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(16)(a)(i)(aa)** (with Sch.)
- F44** Sch. 2 Pt. 3 Class MA para. MA.2(2)(i) and word 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(16)(a)(i)(bb)** (with Sch.)
- F45** Words in Sch. 2 Pt. 3 Class MA para. MA.2(4) 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(16)(a)(ii)** (with Sch.)

[^{F46} Interpretation of Class MA

MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#).]

Textual Amendments

- F46** Sch. 2 Pt. 3 Class MA para. MA.3 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(16)(b)** (with Sch.)

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; [^{F47} or]*
- (b) [^{F48} *development referred to in paragraph (a) together with] building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Textual Amendments

- F47** Word in Sch. 2 Pt. 3 Class N para. N.(a) substituted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **8(a)**
- F48** Words in Sch. 2 Pt. 3 Class N para. N.(b) inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **8(b)**

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 ^{M1};
 - (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.

Marginal Citations

M1 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.

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, ^{F49}...
- (d) the design or external appearance of the building, [^{F50}and]

[^{F51}(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses,]

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) [^{F52}and (e),] 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.

Textual Amendments

F49 Word in Sch. 2 Pt. 3 Class N para. N.2(1)(c) omitted (1.8.2020) by virtue of [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(2), [14\(a\)](#) (with reg. 27)

F50 Word in Sch. 2 Pt. 3 Class N para. N.2(1)(d) 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), [14\(b\)](#) (with reg. 27)

F51 Sch. 2 Pt. 3 Class N para. N.2(1)(e) 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), [14\(c\)](#) (with reg. 27)

F52 Words in Sch. 2 Pt. 3 Class N para. N.2(2) 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), [14\(d\)](#) (with reg. 27)

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3. (See end of Document for details)

Class O – offices to dwellinghouses

Permitted development

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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

- ^{F53}(a)
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
 - (i) on 29th May 2013, 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;
- ^{F54}(c)
- (d) the site is, or forms part of, a safety hazard area;
- (e) the site is, or forms part of, a military explosives storage area;
- (f) the building is a listed building or is within the curtilage of a listed building; or
- (g) the site is, or contains, a scheduled monument.

Textual Amendments

F53 Sch. 2 Pt. 3 Class O para. O.1(a) omitted (31.5.2019) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), art. 7(2)(iii)

F54 Sch. 2 Pt. 3 Class O para. O.1(c) omitted (6.4.2016) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **7(1)(b)**

Conditions

^{F55}**O.2—**(1) Development under Class O 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 on the site,
- (c) flooding risks on the site, ^{F56} ...
- (d) impacts of noise from commercial premises on the intended occupiers of the development [^{F57}, and]

^{F58}(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.] and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the ^{F59}following conditions—

- (a) the development must be completed within a period of 3 years starting with the prior approval date; and

- (b) the developer must apply for a determination under sub-paragraph (1) on or before 31st July 2021]]

Textual Amendments

- F55** Sch. 2 Pt. 3 Class O para. O.2 substituted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **7(1)(e)**
- F56** Word in Sch. 2 Pt. 3 Class O para. O.2(1)(c) omitted (1.8.2020) by virtue of [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(2), **15(a)** (with reg. 27)
- F57** Word in Sch. 2 Pt. 3 Class O para. O.2(1)(d) 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), **15(b)** (with reg. 27)
- F58** Sch. 2 Pt. 3 Class O para. O.2(1)(e) 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), **15(c)** (with reg. 27)
- F59** Words in Sch. 2 Pt. 3 Class O para. O.2(2) 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), **7** (with art. 15(3))

[^{F60} Interpretation of Class O

O.3. For the purposes of Class O, “commercial premises” means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.]

Textual Amendments

- F60** Sch. 2 Pt. 3 Class O para. O.3 inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, **7(1)(d)**

Class P – storage or distribution centre to dwellinghouses

Permitted development

P. *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Development not permitted

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

- (a) the building was not used solely for a storage or distribution centre use on 19th March 2014 or 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 building was not used solely for a storage or distribution centre use for a period of at least 4 years before the date development under Class P begins;
- [^{F61}(c) the prior approval date falls on or after 10th June 2019;]

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;
- (g) 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 ^{M2};
 - (iii) the Broads; or
 - (iv) a National Park;
 - (v) a World Heritage Site;
- (h) 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;
- (i) the building is a listed building or is within the curtilage of a listed building; or
- (j) the site is, or contains, a scheduled monument;
- [^{F62}(k) the development is not completed within a period of 3 years starting with the prior approval date.]

Textual Amendments

- F61** Sch. 2 Pt. 3 Class P para. P.1(c) substituted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **9(a)**
- F62** Sch. 2 Pt. 3 Class P para. P.1(k) inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **9(b)**

Marginal Citations

- M2** 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.

Conditions

P.2 Development is permitted by Class P subject to the condition that before beginning the development, the developer must—

- (a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a storage or distribution centre use on the date referred to in paragraph P.1(a) and for the period referred to in paragraph P.1(b);

- (b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
- (i) impacts of air quality on the intended occupiers of the development;
 - (ii) transport and highways impacts of the development,
 - (iii) contamination risks in relation to the building,
 - (iv) flooding risks in relation to the building,
 - (v) noise impacts of the development, and
 - (vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

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

Interpretation of Class P

P.3 For the purposes of Class P—

“curtilage” (except in paragraph P.1(i)) means—

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

whichever is the lesser;

“general industrial use” means a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

“industrial services” means services provided from premises with a light industrial use or general industrial use;

“light industrial use” means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

“storage or distribution centre use” means a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order; and

“storage or distribution services” means services provided from premises with a storage or distribution centre use.

^{F63}Class PA – premises in light industrial use to dwellinghouses

Textual Amendments

F63 Sch. 2 Pt. 3 Class PA and cross-heading inserted (6.4.2016) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2016 \(S.I. 2016/332\)](#), arts. 1, 8

Permitted development

PA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

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

- (a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;
- (b) the building was not used solely for a light industrial use on 19th March 2014 or, 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;
- (c) the prior approval date falls on or after 1st October 2020;
- (d) the gross floor space of the existing building exceeds 500 square metres;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date the development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under this Class, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;
- (g) 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;
- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

Conditions

PA.2.—(1) Development is permitted by Class PA subject to the condition that before beginning the development, the developer must—

- (a) submit a statement, which must accompany the application referred to in paragraph (b), to the local planning authority setting out the evidence the developer relies upon to demonstrate that the building was used solely for a light industrial use on the date referred to in paragraph PA.1(b);
- (b) apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) transport and highways impacts of the development,
 - (ii) contamination risks in relation to the building,
 - (iii) flooding risks in relation to the building,
 - (iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether

the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,
[the provision of adequate natural light in all habitable rooms of the dwellinghouses.]
^{F64}(v)

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

(2) Development under Class PA is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Textual Amendments

F64 Sch. 2 Pt. 3 Class PA para. 2(1)(b)(v) 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), **16** (with reg. 27)

Interpretation of Class PA

PA.3. For the purposes of Class PA—

“curtilage” (except in paragraph PA.1(h)) means—

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

whichever is the lesser;

“industrial services” means services provided from premises with a light industrial use or a use falling within Class B2 (general industrial) of the Schedule to the Use Classes Order;

“light industrial use” means a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order;

“storage or distribution services” means services provided from premises with a use falling within Class B8 (storage or distribution) of the Schedule to the Use Classes Order.]

Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. *Development consisting of—*

- (a) *a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; [^{F65}or]*
- (b) *[^{F66}development referred to in paragraph (a) together with] building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Textual Amendments

F65 Word in Sch. 2 Pt. 3 Class Q para. Q.(a) substituted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **10(a)**

F66 Words in Sch. 2 Pt. 3 Class Q para. Q.(b) inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **10(b)**

Development not permitted

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

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, 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, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;
- [^{F67}(b) in the case of—
 - (i) a larger dwellinghouse, within an established agricultural unit—
 - (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
 - (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;
 - [^{F68}(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;]
- (c) in the case of—
 - (i) a smaller dwellinghouse, within an established agricultural unit—
 - (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
 - (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;
- (d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—
 - (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
 - (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

- (g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
 - (i) since 20th March 2013; or
 - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;]
- (i) the development under Class Q(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 Q.1(i)(i);
- (j) the site is on article 2(3) land;
- (k) 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;
- (l) the site is, or contains, a scheduled monument; or
- (m) the building is a listed building.

Textual Amendments

F67 Sch. 2 Pt. 3 Class Q para. Q.1(b)-(h) substituted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **10(c)**

F68 Sch. 2 Pt. 3 Class Q para. Q.1(ba) inserted (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), **8**

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(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) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,^{F69} ...
- (f) the design or external appearance of the building [^{F70}, and]

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

[^{F71}(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,] 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 Q(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 (e) [^{F72}and (g),] and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

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

Textual Amendments

- F69** Word in Sch. 2 Pt. 3 Class Q para. Q.2(1)(e) omitted (1.8.2020) by virtue of [The Town and Country Planning \(Permitted Development and Miscellaneous Amendments\) \(England\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/632\)](#), regs. 1(2), **17(a)** (with reg. 27)
- F70** Word in Sch. 2 Pt. 3 Class Q para. Q.2(1)(f) 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), **17(b)** (with reg. 27)
- F71** Sch. 2 Pt. 3 Class Q para. Q.2(1)(g) 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), **17(c)** (with reg. 27)
- F72** Words in Sch. 2 Pt. 3 Class Q para. Q.2(2) 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), **17(d)** (with reg. 27)

[^{F73} Interpretation of Class Q

Q.3. For the purposes of Class Q—

“larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

“smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.]

Textual Amendments

- F73** Sch. 2 Pt. 3 Class Q para. Q.3 inserted (6.4.2018) by [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2018 \(S.I. 2018/343\)](#), arts. 1, **10(d)**

Class R – agricultural buildings to a flexible commercial use

[^{F74} Permitted development

R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order—

- (a) Class B8 (storage or distribution) of Schedule 1;
- (b) Class C1 (hotels) of Schedule 1; or
- (c) Class E (commercial, business or service) of Schedule 2.]

Textual Amendments

F74 Sch. 2 Pt. 3 Class R para. R 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(17)(a)** (with Sch.)

Development not permitted

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

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 3rd July 2012;
 - (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, or
 - (iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area; or
- (e) the building is a listed building or a scheduled monument.

Conditions

R.2 Development is permitted by Class R subject to the following conditions—

- (a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;
- (c) after a site has changed use under Class R, the planning permissions granted by [^{F75}Class E] of Part 7 of this Schedule apply to the building, subject to the following modifications—
 - (i) “curtilage” has the meaning given in paragraph X (interpretation) of this Part;
 - (ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class R.

Textual Amendments

F75 Words in Sch. 2 Pt. 3 Class R para. R.2(c) 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(17)(b)** (with Sch.)

R.3—(1) Before changing the use of the site under Class R, and before any subsequent change of use to another use falling within one of the use classes comprising the flexible use, the developer must—

- (a) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit does not exceed 150 square metres, provide the following information to the local planning authority—
 - (i) the date the site will begin to be used for any of the flexible uses;
 - (ii) the nature of the use or uses; and
 - (iii) a plan indicating the site and which buildings have changed use;
- (b) where the cumulative floor space of the building or buildings which have changed use under Class R within an established agricultural unit exceeds 150 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) transport and highways impacts of the development;
 - (ii) noise impacts of the development;
 - (iii) contamination risks on the site; and
 - (iv) flooding risks on the site,

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

(2) Subject to sub-paragraph (3), development under Class R of the type described in paragraph R.3(1)(b) must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class R of the type described in paragraph R.3(1)(b), 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 R 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 R.

Interpretation of Class R

R.4 For the purposes of Class R, “flexible use” means use of any building or land for a use falling within the list of uses set out in Class R and change of use (in accordance with Class R) between any use in that list.

Class S – agricultural buildings to state-funded school ^{F76}...

Textual Amendments

F76 Words in Sch. 2 Pt. 3 Class S heading 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(18)(a)** (with Sch.)

Permitted development

S. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to use as a state-funded school [^{F77}falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order].

Textual Amendments

F77 Words in Sch. 2 Pt. 3 Class S para. S 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(18)(b)** (with Sch.)

Development not permitted

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

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, 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, or
 - (iii) in the case of a building which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class S begins;
- (b) the cumulative area of—
 - (i) floor space within the existing building or buildings, and
 - (ii) land within the curtilage of that building or those buildings,changing use under Class S within an established agricultural unit exceeds 500 square metres;
- (c) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (d) less than 1 year before the date development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class S, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (e) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
 - (i) since 20th March 2013; or
 - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- (f) the site is, or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area; or
 - (iii) a military explosives storage area;
- (g) the site is, or contains, a scheduled monument; or
- (h) the building is a listed building.

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

Conditions

S.2—(1) Development is permitted by Class S subject to the following conditions—

- [^{F78}(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school; and]
- (b) before changing the use of the site under Class S 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—
- (i) transport and highways impacts of the development,
 - (ii) noise impacts of the development,
 - (iii) contamination risks on the site,
 - (iv) flooding risks on the site, and
 - (v) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to use as a state-funded school ^{F79} ...,
- 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 S must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class S, 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 S 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 S.

Textual Amendments

F78 Sch. 2 Pt. 3 Class S para. S.2(1)(a) 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(18)(c)(i)** (with Sch.)

F79 Words in Sch. 2 Pt. 3 Class S para. S.2(1)(b)(v) 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(18)(c)(ii)** (with Sch.)

Class T – [^{F80}commercial, business and service, hotels etc to state-funded schools]

Textual Amendments

F80 Sch. 2 Pt. 3 Class T heading 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(19)(a)** (with Sch.)

[^{F81}Permitted development

T. Development consisting of a change of use of a building and any land within its curtilage from a use falling within one of the following provisions of the Use Classes Order—

- (a) Class C1 (hotels) of Schedule 1;
- (b) Class C2 (residential institutions) of Schedule 1;
- (c) Class C2A (secure residential institutions) of Schedule 1; or
- (d) Class E (commercial, business or service) of Schedule 2,

to use as a state-funded school falling within Class F.1(a) of Schedule 2 to that Order.]

Textual Amendments

F81 Sch. 2 Pt. 3 Class T para. T. 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(19)(b)** (with Sch.)

Development not permitted

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

- ^{F82}(a)
- (b) the site is, or forms part of, a military explosives storage area;
- (c) the site is, or forms part of, a safety hazard area; or
- (d) the building is a listed building or a scheduled monument.

Textual Amendments

F82 Sch. 2 Pt. 3 Class T para. T.1(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(19)(c)** (with Sch.)

Conditions

T.2—(1) Development is permitted by Class T subject to the following conditions—

- [^{F83}(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school;]
- (b) before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—
 - (i) transport and highways impacts of the development;
 - (ii) noise impacts of the development; and
 - (iii) contamination risks on the site,

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 T must begin within a period of 3 years starting with the prior approval date.

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3*. (See end of Document for details)

(3) Where, in relation to a particular development under Class T, 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 T 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 T.

Textual Amendments

F83 Sch. 2 Pt. 3 Class T para. T.2(1)(a) 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(19)(d)(i)** (with Sch.)

Class U – return to previous use from converted state-funded school or registered nursery

Permitted development

U. Development consisting of a change of use of land from a use permitted by Class T to the previous lawful use of the land.

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 ^{F84}... M, N or Q of this Part, must [^{F85}in the same application] include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;

[^{F86}(ba) in relation to development proposed under Classes [^{F87}G] M, [^{F88}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);]

[^{F89}(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;]

[^{F90}(bc) in relation to development proposed under Class [^{F91}G,] M, [^{F92}MA,] N, O, PA or Q of this Part, a floor plan indicating [^{F93}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 ^{M3} to be consulted, a site-specific flood risk assessment,

together with any fee required to be paid.

[^{F94}(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, [^{F95}except for conditions in paragraph [^{F96}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

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- (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 ^{M4} 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).
- (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 [^{F97}form—]
 - [^{F97}(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);
 - [^{F98}(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in [^{F99}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 ^{M5}, 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 ^{M6}, 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.

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

[^{F100}(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.]

Textual Amendments

- F84** 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.)
- F85** 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)**
- F86** 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))
- F87** 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.)
- F88** 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))
- F89** 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)**
- F90** 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)**
- F91** 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.)
- F92** 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))
- F93** 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))
- F94** 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)**

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3. (See end of Document for details)

- F95** 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)**
- F96** 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.)
- F97** 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))
- F98** 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**
- F99** 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)**
- F100** 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

- M3** A body established under section 1 of the [Environment Act 1995 \(c. 25\)](#).
- M4** A body established under section 1 of the [Environment Act 1995 \(c. 25\)](#).
- M5** [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 \(c. 37\)](#).
- M6** 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 ^{M7}; or
- (b) the Agricultural Tenancies Act 1995 ^{M8};

“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;

[^{F101}“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 ^{M9};

“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 ^{M10} to provide early years provision;

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

“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 ^{M11};
- (b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998 ^{M12}; and

“sui generis use” means a use for which no class is specified in [^{F102}Schedule 1 or 2] to the Use Classes Order.

Textual Amendments

F101 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**

F102 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

M7 [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.

M8 [1995 c. 8](#); relevant amendments are made by Schedule 8 to the [Civil Partnership Act 2004](#), and [S.I. 2006/2805](#) and 2013/1036.

M9 [S.I. 1987/764](#). The definition of “pay day loan shop” was inserted by [S.I. 2015/597](#).

M10 [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.

M11 [2010 c. 32](#); see in particular sections 1 to 1C. Relevant amendments are made by Part 6 of the [Education Act 2011 \(c. 21\)](#).

M12 [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.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (General Permitted Development) (England) Order 2015, PART 3.