

SCHEDULE 2

Permitted development rights

PART 3

Changes of use

Class A – restaurants, cafes, takeaways or pubs to retail

Permitted development

A. *Development consisting of a change of use of a building from a use falling within Class A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A1 (shops) or Class A2 (financial and professional services) of that Schedule.*

Development not permitted

A.1 Development is not permitted by Class A during the specified period if the building is a specified building.

Conditions

A.2 In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order⁽¹⁾, development is permitted by Class A subject to the following conditions.

(2) Before beginning the development the developer must send a written request to the local planning authority as to whether the building has been nominated, which must include—

- (a) the address of the building;
- (b) the developer's contact address; and
- (c) the developer's email address if the developer is content to receive communications electronically.

(3) If the building is nominated, whether at the date of request under paragraph A.2(2) or on a later date, the local planning authority must notify the developer as soon as is reasonably practicable after it is aware of the nomination, and on notification development is not permitted for the specified period.

(4) The development must not begin before the expiry of a period of 56 days following the date of request under paragraph A.2(2) and must be completed within a period of 1 year of the date of that request.

Interpretation of Class A

A.3 For the purposes of Class A—

“community asset” means a building which has been entered onto a list of assets of community value, including any building which has been subsequently excluded from that list under regulation 2(b) of the Assets of Community Value (England) Regulations 2012⁽²⁾;

(1) Classes A3 and A4 were inserted into the Use Classes Order by [S.I. 2005/84](#).

(2) [S.I. 2012/2421](#).

Status: This is the original version (as it was originally made).

“list of assets of community value” means a list of land of community value maintained by a local authority under section 87(1) of the Localism Act 2011(3);

“nomination” means a nomination made under section 89(2) of the Localism Act 2011 for a building to be included in a list of assets of community value and “nominated” is to be interpreted accordingly;

“specified building” means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order—

- (a) which is a community asset; or
- (b) in relation to which the local planning authority has notified the developer of a nomination under paragraph A.2(3); and

“specified period” means—

- (a) in relation to a building which is subject to a nomination of which the local planning authority have notified the developer under paragraph A.2(3), the period from the date of that notification to the date on which the building is entered onto—
 - (i) a list of assets of community value; or
 - (ii) a list of land nominated by unsuccessful community nominations under section 93 of the Localism Act 2011;
- (b) in relation to a building which is a community asset—
 - (i) 5 years beginning with the date on which the building was entered onto the list of assets of community value; or
 - (ii) where the building was removed from that list—
 - (aa) under regulation 2(c) of the Assets of Community Value (England) Regulations 2012 following a successful appeal against listing or because the local authority no longer consider the land to be land of community value; or
 - (bb) under section 92(4)(a) of the Localism Act 2011 following the local authority’s decision on a review that the land concerned should not have been included in the local authority’s list of assets of community value,

the period from the date on which the building was entered onto the list of assets of community value to the date on which it was removed from that list.

Class B – takeaways or pubs to restaurants and cafes

Permitted development

B. Development consisting of a change of use of a building from a use falling within Class A4 (drinking establishments) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order, to a use falling within Class A3 (restaurants and cafes) of that Schedule.

Development not permitted

B.1 Development is not permitted by Class B during the specified period if the building is a specified building.

(3) 2011 c.20.

Conditions

B.2 In the case of a building which is not a community asset, which is used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order, development is permitted by Class B subject to the conditions set out in paragraphs A.2(2) to (4).

Interpretation of Class B

B.3 For the purposes of Class B, “community asset”, “specified building” and “specified period” have the meaning given in paragraph A.3.

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

Permitted development

C. Development consisting of—

(a) a change of use of a building from a use—

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

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

(iii) as a casino,

to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order, and

(b) building or other operations for the provision of facilities for—

(i) ventilation and extraction (including the provision of an external flue), and

(ii) the storage of rubbish,

reasonably necessary to use the building for a use falling within Class A3 (restaurants and cafes) of that Schedule.

Development not permitted

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

(a) the cumulative floor space of the existing building changing use under Class C exceeds 150 square metres;

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

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

(i) a site of special scientific interest;

(ii) a safety hazard area; or

(iii) a military explosives storage area;

(d) the site is, or contains, a scheduled monument; or

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

Conditions

C.2.—(1) Where the development proposed is development under Class C(a) together with development under Class C(b), development is permitted subject to the condition that before

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beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) noise impacts of the development,
- (b) odour impacts of the development,
- (c) impacts of storage and handling of waste in relation to the development,
- (d) impacts of the hours of opening of the development,
- (e) transport and highways impacts of the development,
- (f) whether it is undesirable for the building to change to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order because of the impact of the change of use—
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (g) the siting, design or external appearance of the facilities to be provided under Class C(b),

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

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

Class D – shops to financial and professional

Permitted development

D. Development consisting of a change of use of a building within its curtilage from a use falling within Class A1 (shops) of the Schedule to the Use Classes Order, to use falling within Class A2 (financial and professional services) of that Schedule.

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

Permitted development

E. Development consisting of a change of use of a building with a display window at ground floor level from—

- (a) *a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
- (b) *a use as a betting office or a pay day loan shop,*

to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order.

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

Permitted development

F. Development consisting of a change of use of a building from a use as a betting office or a pay day loan shop to a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order.

Class G – retail or betting office or pay day loan shop to mixed use

Permitted development

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

- (a) *from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A1 (shops) of that Schedule and as up to 2 flats;*
- (b) *from a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order, to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;*
- (c) *from a use—*
 - (i) *for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
 - (ii) *as a betting office or a pay day loan shop,*
to a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as up to 2 flats;
- (d) *where that building has a display window at ground floor level, from a use—*
 - (i) *for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
 - (ii) *as a betting office or a pay day loan shop,*
to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats;
- (e) *from a use as a betting office or a pay day loan shop to a mixed use as a betting office or a pay day loan shop and as up to 2 flats.*

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 as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule 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).

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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 retail

Permitted development

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

- (a) *from a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats, to a use for any purpose within Class A1 (shops) of that Schedule;*
- (b) *from a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as up to 2 flats, to a use for any purpose within Class A2 (financial and professional services) of that Schedule;*
- (c) *from a mixed use—*
 - (i) *for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as up to 2 flats,*
 - (ii) *as a betting office or pay day loan shop and as up to 2 flats,*
to a use for any purpose within Class A2 (financial and professional services) of that Schedule;
- (d) *where that building has a display window at ground floor level, from a mixed use for any purpose—*
 - (i) *within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as up to 2 flats, or*
 - (ii) *as a betting office or pay day loan shop and as up to 2 flats,*
to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order;
- (e) *from a mixed use as a betting office or pay day loan shop and as up to 2 flats to a use as a betting office or pay day loan shop.*

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 Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order or, as the case may be, used as a betting office or pay day loan shop.

Class I – industrial and general business conversions

Permitted development

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

- (a) *from any use falling within Class B2 (general industrial) or B8 (storage or distribution) of the Schedule to the Use Classes Order, to a use for any purpose falling within Class B1 (business) of that Schedule;*

- (b) *from any use falling within Class B1 (business) or B2 (general industrial) of the Schedule 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, where the change is to or from a use falling within Class B8 of that Schedule, 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

Permitted development

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

- (a) *falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or*
 - (b) *as a betting office or pay day loan shop,*
- to a use falling within Class D2 (assembly and leisure) of that Schedule.*

Development not permitted

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

- (a) the building was not used solely for a use falling within Class J(a) or (b)—
 - (i) on 5th December 2013, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, on the date it was last in use, or
 - (iii) in the case of a building which is brought into use after 5th December 2013, for a period of at least 5 years before the date development under Class J begins;
- (b) the cumulative floor space of the existing building changing use under Class J exceeds 200 square metres;
- (c) the development (together with any previous development under Class J) would result in more than 200 square metres of floor space in the building having changed use under Class J;
- (d) the building is on article 2(3) land;
- (e) the land or the site on which the building is located is or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area; or
 - (iii) a military explosives storage area;
- (f) the land or building is, or contains, a scheduled monument; or
- (g) the land or building is a listed building or is within the curtilage of a listed building.

Conditions

J.2.—(1) Class J is permitted subject the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

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- (a) noise impacts of the development,
- (b) impacts of the hours of opening of the development,
- (c) transport and highways impacts of the development, and
- (d) whether it is undesirable for the building to change to a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order because of the impact of the change of use—
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and

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

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

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

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

Class K – casinos to assembly and leisure

Permitted Development

K. Development consisting of a change of use of a building from a use as a casino to a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

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.

Class M – retail or betting office or pay day loan shop to dwellinghouses

Permitted development

M. Development consisting of—

- (a) *a change of use of a building from—*
 - (i) *a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;*
 - (ii) *a use as a betting office or pay day loan shop, or*
 - (iii) *a mixed use combining use as a dwellinghouse with—*
 - (aa) *a use as a betting office or pay day loan shop, or*
 - (bb) *a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise),**to a use falling within Class C3 (dwellinghouses) of that Schedule, and*
- (b) *building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Development not permitted

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;
- (b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
- (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;

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- (iv) in a military explosives storage area;
- (v) a listed building; or
- (vi) a scheduled monument.

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—
 - (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
 - (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
- (e) the design or external appearance of the building,

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

(2) Where the development proposed is development under Class 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) 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; and
- (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.

Class N – specified sui generis uses to dwellinghouses

Permitted development

N. Development consisting of—

- (a) *a change of use of a building and any land within its curtilage from a use as—*
 - (i) *an amusement arcade or centre, or*
 - (ii) a casino,

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

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

Development not permitted

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

- (a) the building was not used solely for one of the uses specified in Class N(a)—
 - (i) on 19th March 2014, or
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- (b) the cumulative floor space of the existing building changing use under Class N exceeds 150 square metres;
- (c) the development (together with any previous development under Class N) would result in more than 150 square metres of floor space in the building having changed use under Class N;
- (d) the development under Class N(b) would consist of building operations other than—
 - (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services,to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph (d)(i);
- (e) the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(4);
 - (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.

(4) 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, and
- (d) the design or external appearance of the building,

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

(2) Where the development proposed is development under Class N(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (c) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

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

*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—

- (a) the building is on article 2(5) land;
- (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;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;
- (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.

Conditions

O.2 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; and
- (c) flooding risks on the site,

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

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;
- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 15th April 2018;
- (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⁽⁵⁾;
 - (iii) the Broads; or
 - (iv) a National Park;

(5) 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.

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- (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.

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.

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

Development not permitted

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;
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (e) 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;
- (f) 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;
- (g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

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- (h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (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.

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, and
- (f) the design or external appearance of the building,

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

(2) Where the development proposed is development under Class 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) 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.

Class R – agricultural buildings to a flexible commercial use

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 Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.*

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 Class G 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.

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;

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- (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 or registered nursery

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 or a registered nursery.

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.

Conditions

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

- (a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery; 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 or, as the case may be, a registered nursery,

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

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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.

Class T – business, hotels etc to state-funded schools or registered nursery

Permitted development

T. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, to use as a state-funded school or a registered nursery.

Development not permitted

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

- (a) permission to use the site for a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order has been granted only by virtue of Class J of this Part;
- (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.

Conditions

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

- (a) the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery;
- (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.

(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.

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 C, M, N or Q of this Part, must include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
- (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⁽⁶⁾ to be consulted, a site-specific flood risk assessment,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(6) A body established under section 1 of the Environment Act 1995 (c. 25).

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(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, limitations or restrictions specified in this Part as being applicable to the development in question.

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

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

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

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency⁽⁷⁾ 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 form on any adjoining owner or occupier.

(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—

(7) A body established under section 1 of the Environment Act 1995 (c. 25).

- (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);
 - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012⁽⁸⁾, 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⁽⁹⁾, 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⁽¹⁰⁾, 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.

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⁽¹¹⁾; or
- (b) the Agricultural Tenancies Act 1995⁽¹²⁾;

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

(8) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

(9) 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).

(10) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf

(11) 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.

(12) 1995 c. 8; relevant amendments are made by Schedule 8 to the Civil Partnership Act 2004, and S.I. 2006/2805 and 2013/1036.

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- (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;

“pay day loan shop” has the meaning given in the Use Classes Order⁽¹³⁾;

“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⁽¹⁴⁾ 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⁽¹⁵⁾;
- (b) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998⁽¹⁶⁾; and

“sui generis use” means a use for which no class is specified in the Schedule to the Use Classes Order.

⁽¹³⁾ S.I. 1987/764. The definition of “pay day loan shop” was inserted by S.I. 2015/597.

⁽¹⁴⁾ 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.

⁽¹⁵⁾ 2010 c. 32; see in particular sections 1 to 1C. Relevant amendments are made by Part 6 of the Education Act 2011 (c. 21).

⁽¹⁶⁾ 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.