

## SCHEDULE 2

### Permitted development rights

## PART 4

### Temporary buildings and uses

*Class D – shops, financial, cafes, takeaways, pubs etc to temporary flexible use*

#### Permitted development

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

**(a) from—**

*(i) a use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class A4 (drinking establishments), Class A5 (hot food takeaways), Class B1 (business), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, or*

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

**(b) to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of that Schedule,**

*for a single continuous period of up to 2 years beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.*

#### Development not permitted

**D.1** Development is not permitted by Class D if—

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (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;
- (e) the building is a listed building or a scheduled monument; or
- (f) the building is a specified building and the development is undertaken during the specified period, regardless of whether any notification has been given in accordance with paragraph D.2(a).

#### Conditions

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

- (a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the 2 year period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;

**Status:** This is the original version (as it was originally made).

- (c) the site may at any time during the 2 year period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use;
- (f) 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, the conditions set out in paragraphs C.2(f)(i) to (iii) apply.

### **Interpretation of Class D**

**D.3** For the purposes of Class D—

“community asset”, “specified building” and “specified period” have the meaning given in paragraph C.3; and

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