
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Compensation) (England) Regulations 2015 (“the 2015 Regulations”) to add a new class of development to the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the 2015 Regulations. The new permitted development right allows change of use of a building falling within Class A4 (drinking establishments) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 to a use within Class A4 with a use falling within Class A3 (restaurants and cafes), or from those uses to a use falling within Class A4. It has been inserted into Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the 2015 Order”) by amendments set out in the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017.

The practical effect of these Regulations is that if a local planning authority withdraws the new permitted development right by issuing a direction under article 4 of the 2015 Order, compensation is only payable in respect of planning applications made within 12 months beginning on the date the direction took effect. The Regulations also provide that no compensation is payable where a local planning authority publicises their intention to make such an article 4 direction at least 12 months, and not more than two years, ahead of the article 4 direction taking effect.