
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations amend the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”) ([S.I. 2015/596](#)).

Regulation 3 amends the definition of “transport undertakers”, in article 2(1) of the Order for the purposes of interpreting Class C of Part 9 of Schedule 2 to the Order.

Regulation 4 makes permanent the existing temporary right to enlarge a dwellinghouse by up to 8 metres in the case of a detached dwellinghouse or by 6 metres in the case of any other dwellinghouse, as permitted by Class A of Part 1 of Schedule 2 to the Order. It removes the time limiting date of 30th May 2019, as well as conditions which required development to be completed by that date.

Regulation 5 increases the height limit of electrical upstands and outlets for recharging electric vehicles to 2.3 metres, as permitted by Class E of Part 2 of Schedule 2 to the Order. It also clarifies that the previous height limit of 1.6 metres still applies to upstands and outlets within the curtilage of a dwellinghouse or block of flats.

Regulation 6 inserts a new Class JA into Part 3 Schedule 2 to the Order to introduce a new permitted development right allowing the change of use of a building falling within Class A1 (shops), Class A2 (financial and professional services), or Class A5 (hot food takeaways) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 ([S.I. 1987/764](#)) (“the Use Classes Order”); or a betting shop, pay day loan shop or launderette, to a use falling within Class B1(a) (offices) of that Schedule. The new permitted development right contains limitations and conditions on how it will operate. The date, 29th of October 2018, as referred to in the new right reflects the publication date of the consultation where this right was proposed, *Planning Reform: supporting the high street and increasing the delivery of new homes*. A copy of the consultation can be found here: <https://www.gov.uk/government/consultations/planning-reform-supporting-the-high-street-and-increasing-the-delivery-of-new-homes>

Regulation 7 extends Class M of Part 3 of Schedule 2 (retail and specified sui generis uses to dwellinghouses) to permit buildings with a use falling within Class A5 (hot food takeaways) of the Use Classes Order to also change use to a dwellinghouse.

Regulation 8 clarifies that the floor space of any dwellinghouse created by Class Q of Part 3 of Schedule 2 to the Order cannot exceed 465 square metres.

Regulations 9, 12 and 15 amend references to the National Planning Policy Framework 2012 to the most recent version of the National Planning Policy Framework which was published by the Ministry for Housing, Communities and Local Government in February 2019. The footnotes to these references have also been updated to reflect where this document can be obtained electronically online.

Regulation 10 clarifies that buildings which are in use as a temporary state-funded school as permitted by Class C of Part 4 of Schedule 2 to the Order, will retain the use or use class they had before becoming a temporary state-funded school for the purposes of Classes S and T of Part 3 of Schedule 2 to the Order. This will enable agricultural buildings which are in use as a temporary state-funded school, as permitted by Class C of Part 4 of Schedule 2 to the Order, to change use to a state-funded school permanently, as permitted by Class S of Part 3 of Schedule 2 to the Order. This will also enable buildings that fall within Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) and Class D2 (assembly and leisure) of the

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Use Classes Order which are in use as temporary state-funded schools, to change use to a state-funded school permanently, as permitted by Class T of Part 3 of Schedule 2 to the Order.

Regulation 11 extends Class D of Part 4 of Schedule 2 (shops, financial, cafes, takeaway etc to temporary flexible use) to the Order, to include certain Class D1 (non-residential institutions) uses of the Use Classes Order as a permitted temporary flexible use. These named Class D1 (non-residential institutions) uses are Class D1(a) the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner, Class D1(d) the display of works of art (otherwise than for sale or hire), Class D1(e) museum, Class D1(f) public library or public reading room, and Class D1(g) public hall or exhibition hall. Regulation 11 also extends the period of time that a building can be in a temporary flexible use from 2 years to 3 years.

Regulations 13 and 14 clarify that a building that is in use as an office as permitted by Class JA of Part 3 of Schedule 2 to the Order (as introduced above), cannot benefit from the permitted development rights in Classes F and G of Part 4 of Schedule 2 to the Order which are available to office buildings generally.

Regulation 16 amends Class 16 of Part 1 of Schedule 3 by removing permission for the installation, alteration or replacement of a public call box by, or on behalf of an electronic communications code operator.

Regulation 17 of Part 3 of these Regulations amends the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783) by removing deemed consent to display an advertisement on the glazed surface of a telephone kiosk.

Part 4 of these Regulations amends the Town and Country Planning (Compensation) (England) Regulations 2015 (“the Compensation Regulations”) (S.I.2015/598).

Regulation 18 amends the Compensation Regulations to add the new class JA of Part 3 of Schedule 2 to the Order into the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the Compensation Regulations. The effect of this regulation is that if a local planning authority withdraws the new permitted development right by issuing a direction under article 4 of the Order, compensation is only payable in respect of planning applications made within 12 months beginning on the date that the direction took effect. The Compensation Regulations also allow local planning authorities to avoid compensation liability on withdrawal of the new permitted development rights by publicising their intention to make an article 4 direction at least one year, and not more than two years, ahead of the article 4 direction taking effect.

Regulation 19 of Part 5 of these Regulations make transitional and savings provisions.

A copy of the National Planning Policy Framework may be viewed online at <https://www.gov.uk/government/publications/national-planning-policy-framework--2> or a copy may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

An assessment of impact has been completed. Copies may be inspected at the Planning Directorate, the Ministry of Housing, Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.