

PLANNING USE CLAUSES

Introduction

The Town and Country Planning (Use Classes) Order 1987 (1987 Order) specifies classes for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class. The 1987 Order was amended in 2005 with effect from 21 April 2005

The following classes of use are set out in the 1987 Order (*as amended by the 2005 Order).

A1 Shops

Shops, post offices, travel agents, hairdressers, funeral directors, dry cleaners and *use as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet

A2 Financial and professional services

Banks, building societies, betting offices, and other financial and professional services

A3 Food and drink

Pubs, restaurants, cafés *where sale of food and drink is for consumption on the premises

***Class A4. Drinking establishments**

Use as a public house, wine-bar or other drinking establishment

***Class A5. Hot food takeaways**

Use for the sale of hot food for consumption off the premises

B1 Business

Offices, research and development, light industry appropriate in a residential area

B2 General industrial**B8 Storage and distribution**

Including open air storage

C1 Hotels

Hotels, boarding and guest houses where no significant element of care is provided

C2 Residential institutions

Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres

C3 Dwelling houses

Family houses, or houses occupied by up to six residents living together as a single household, including a household where care is provided for residents

D1 Non-residential institutions

Surgeries, nurseries, day centres, schools, art galleries, museums, libraries, halls, churches.

D2 Assembly and leisure

Cinemas, concert halls, bingo and dance halls, casinos, swimming baths, skating rinks, gymnasiums or sports arenas (except for motor sports, or where firearms are used)

Building Regulations

Building regulations may apply to certain changes of use of an existing building. It would be prudent to contact your local Building Control team or adviser for further advice.

Changes of use not requiring a planning application

Other than for the permitted changes of use listed below and changes where both uses fall within the same use class, planning permission is generally required for a material change of use. Remember that any external building work associated with a change of use is likely to require planning permission.

From	To
A2 (professional and financial services) when premises have a display window at ground level	A1 (shop)
A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business) (permission limited to change of use relating to not more than 235 square metres of floor space)	B8 (storage and distribution)
B2 (general industrial)	B1 (business)
B2 (general industrial) (permission limited to change of use relating to not more than 235 square metres of floor space))	B8 (storage and distribution)
B8 (storage and distribution) (permission limited to change of use relating to not more than 235 square metres of floor space)	B1 (business)
C4 (houses in multiple occupation)	C3 (dwelling houses)
Casinos (sui generis)	D2 (assembly and leisure)

A planning application is not required for change of use in the following circumstances

- from A1 to A1 + a single flat above; and
- from A2 to A2 + a single flat above.

These changes are reversible without an application only if the flat was in either A1 or A2 use immediately before it became a flat.

Changes of use always requiring a planning application

Applications for planning permission are always required for material changes of use involving sui generis uses

- amusement centres
- theatre
- scrap yards
- petrol filling stations
- car showrooms (except for material changes of use from car showrooms to Class A1 uses),
- taxi and car hire businesses
- hostels
- *premises used as a retail warehouse club (being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club)
- *night-club premises

Should you have any concerns or queries about any aspect of the information contained in this briefing note, please contact Catherine Davey in our Commercial Property Department on 01483 302264.

This information is necessarily brief and is not intended to be an exhaustive statement of the law. It is essential that professional advice is sought before any decision is taken.

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