

Change of Use Class

Webinar: Tuesday 15 December 2020

CLUTTONS

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- *The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020* came into force on 1 September 2020.
- This made radical changes to the 1987 Use Classes Order, which controls the use of buildings and land.
- Aim of supporting the high street by allowing greater flexibility to change uses without the need for planning permission.
- It also seeks to protect community uses such as pubs, concert halls and cinemas by categorising them as sui generis.



- New Classes E (Commercial, Business & Service).
- New Class F.1 (Learning & Non-Residential Institutions).
- New Class F.2 (Local Community) has been created to protect community uses and small local shops.
- Class A, Class B1 (a,b,c) and Class D cease to exist.
- Class B2, B8 and all of Class C remain unchanged.
- Classes A4, A5 and part of D2 have been moved to sui generis requiring planning permission for any change of use.



The New Use Classes Order

USE	USE CLASS UP TO 31 AUGUST 2020	USE CLASS FROM 1 SEPTEMBER 2020	USE	USE CLASS UP TO 31 AUGUST 2020	USE CLASS FROM 1 SEPTEMBER 2020
Shop not more than 280 sq m mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2	Hotels, boarding and guest houses	C1	C1
Shop	A1	E	Residential institutions	C2	C1
Financial and professional services (not medical)	A2	E	Secure residential institutions	C2a	C2a
Café or restaurant	A3	E	Dwelling houses	C3	C3
Pub or drinking establishment	A4	Sui generis	Use of a dwelling house by 3-6 residents as a 'house in multiple occupation'	C4	C4
Take away	A5	Sui generis	Clinics, health centres, crèches, day nurseries, day centre	D1	E
Office other than a use within Class A2	B1a	E	Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Research and development of products or processes	B1b	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F.2
Storage or distribution	B8	B8	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021.

THE NEW USE CLASSES COMPRISE:

- Class E (Commercial, business and service uses) ■ Class F.1 (Learning and non-residential institutions)
- Class F.2 (Local community uses) ■ Sui generis (In use class of its own)

Class E: Commercial, Business & Services

Shops, restaurants, financial and professional services, indoor sport, recreation or fitness, not involving motorised vehicles or firearms, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity

Combines the former Class A1, A2, A3, B1, and parts of D1 & D2

Use Class F1: Learning and Non-Residential Institutions

Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law court

Use Class F2: Local Community Uses

Community halls, outdoor sport or recreation not involving motorised vehicles or firearms, indoor or outdoor swimming pools or skating rinks, shop of less than 280sqm selling essential goods and at least 1km from a similar shop



- Where the existing use of a building or land falls within Class E from 1 September 2020 the use of that land or building for any other purpose within Class E will not constitute development.
- This may be affected by the planning history (restrictive conditions or obligations).
- Planning permission may be required for works to facilitate the other use such as external works, plant etc.
- More uses fall within sui generis:
 - Protection – pubs, cinemas, concert halls
 - Control – takeaways

- Planning Policy – draft and emerging plans to refer to new use classes, possibly greater controls.
- Planning Applications – previous use classes for those submitted before 01 September 2020 that refer to uses.
- Article 4 Directions – where directions have already been made then the controls will be construed as the previous use class.
- PDR unaffected until 31 July 2021 – form of new rights currently being considered.



Use of Classes Order – Threats & Opportunities

Threats

1. Councils' Planning & Strategic Policies
2. Planning Conditions and / or Section 106 Agreements
3. Existing and Future Lease Terms and Clauses
4. Dilapidations
5. Sui Generis Property Classifications
6. Increased use of Compulsory Purchase
7. Estate Management Issues and Tenant Mix

Opportunities

1. Flexibility of User, Increasing Landlord's Options
2. Potential to Drive Rental Values
3. Greater Collaboration to Dictate Mix and Range of Uses
4. Change Local Demand as Business / Consumer Needs Evolve
5. Town Centre Regeneration Combined with PDR Changes
6. Opportunity to Rationalise Holdings and Make Better Use of Assets

Panellist contacts



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