

Government Announces Use Class Order Reform

Briefing Note

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Introduction

The Government has announced a radical reform to the existing Use Class Order via the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. These new regulations have been introduced to amend the Town and Country Planning (Use Classes) Order 1987, revoking Parts A and D and creating new use classes in relation to England.

Changes to Use Class Order

This will see a number of existing town centre use classes be subsumed into three new overarching use classes. It is the aim that this will provide businesses the freedom to change to a range of compatible uses which communities expect to find on modern high streets, as well as in town and city centres.

Use Class E

One of the primary changes is through the creation of Use Class E, which will result in a new broad commercial, business and service use class. The change will incorporate the A1, A2, A3 and B1 Uses and will allow for a mix of uses to reflect the demand for changing retail and business models. It will permit a building to be in a number of uses concurrently or for a building to be used for different uses at different times of the day, without the need for planning permission.

Use Class F1 & F2

The regulations also state that two new F classes will be created – F1 and F2. The regulation will ensure that the uses which are important to local communities will be protected through the planning system. Changes of use within these classes will not require planning permission. However, other material changes of use will require planning permission.

Use Class F1 learning and non-residential units will replace Use Class D1. The class will allow for the provision of education, for the display of art work, as a museum, public library, reading room, public hall or exhibition hall.

Class F2 local community incorporates the uses from class D2 and will provide for group activities of a more physical nature including swimming pools, skating rinks and outdoor areas for sport. The class also recognises the importance of small local shops for providing the essential needs of the local community.

This is defined as a shop mostly for the sale of a range of essential dry goods and food to customers where there is no commercial class retail unit within 1,000m and the shop is no larger than 280m².

Other Changes to the Use Class Order

The revisions to the Use Classes Order will result in the addition of the following use classes to sui generis:

- A4 - Drinking establishment;
- A5 - Hot food takeaways;
- D2 - Cinemas, concert, dance and bingo halls.

Proposals involving the above will be subject to full local consideration through the planning application process.

Residential C classes and classes B2 and B8 will remain unchanged.

The changes apply to all uses of land and buildings across England and will be effective from 1st September 2020.

As one of the UK's leading independent Planning consultancies, DLP Planning are well placed to keep you informed of future announcements and advise on the implications for your business. If you have any queries or require any further information, please do not hesitate to contact DLP Planning Ltd.

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Guide to changes in the Use Classes Order in England (2020)

The table below is intended as general guidance to the prevailing use classes regulations. Full reference should be made to the relevant sections of the Town and Country Planning (Use Classes) Order 1987 (as amended), the GPDO (England) 2015 and the GPDO (England) Amendment 2016, the 2017 Amendment Order and the 2017 (No.2) Amendment Order, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 for limitations (e.g. maximum floorspaces), restrictions, conditions and details of applications for prior approval of the local planning authority which may be required. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the 2020 (No.2) Amendment Order and the 2020 (No.3) Amendment Order.

Existing Use Class	Use Class from 1st September 2020	Use
A1	F.2	Shop not more than 280 sq m mostly selling essential goods, including food and at least 1km from another similar shop.
A1	E	Shop.
A2	E	Financial and professional services (not medical).
A3	E	Café or restaurant.
A4	Sui Generis	Pub or drinking establishment.
A5	Sui Generis	Take away.
B1(a)	E	Office other than a use within Class A2.
B1(b)	E	Research and development of products or processes.
B1(c)	E	For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area).
B2	B2 no change	Industrial.
B8	B8 no change	Storage or distribution.
C1	C1 no change	Hotels, boarding and guest houses (where no significant element of care is provided).
C2	C2 no change	Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes.
C2a	C2a no change	Prisons, young offenders' institutions, detention centres, secure training centres, custody centres, short term holding centres, secure hospitals, secure local authority accommodation, military barracks.
C3	C3 no change	Use as a dwellinghouse (whether or not a main residence) by: a) A single person or by people to be regarded as forming a single household; b) Not more than six residents living together as a single household where care is provided for residents; or c) Not more than six residents living together; or d) as a single household where no care is provided to residents (other than use within Class C4).
C4	C4 no change	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation' (HMO). NB Large HMOs (more than 6 people) are unclassified and therefore sui generis.
D1	E	Clinics, health centres, crèches, day nurseries, day centre.
D1	F.1	Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts.
D2	Sui Generis	Cinemas, concert halls, bingo halls and dance halls.
D2	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms.
D2	F.2	Hall or meeting place for the principal use of the local community.
D2	F.2	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms.

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)