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RADICAL OVERHAUL OF THE USE CLASSES IN ENGLAND 2020

The Government has overhauled the English Planning System to increase flexibility and support regeneration



On 21 July 2020, the UK Government laid before Parliament new regulations that have radically overhauled the English Planning System. Changes to permitted development (PD) rights were also announced on the same day.

Streamlined system

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (“UCO”) have streamlined the existing 16 Use Classes into 11 by introducing three new broad Use Classes.

From 1 September 2020 planning permission is not required for change of use within the new broader Use Classes unless explicitly stated, making it easier for businesses and landlords to adapt to the changing demands of the high street. Furthermore, the new UCO also introduces a “part use”, allowing a change of use of part of a building, use or planning unit within Class E to an alternative Class E use without permission.

Class E

A new single Commercial, Business and Service Use Class known as E which, as well as subsuming the existing A1 Retail, A2 Financial and Professional services, A3 Eat in Restaurant, B1 Light Industrial Office and Training and selected D1 Non-residential institutional use and D2 Leisure Use Classes which include retail, food, financial services, indoor sport and fitness, medical or health services, nurseries, offices and light industry. Class E will also include a new category of ‘other services which it is appropriate to provide in a commercial, business or service locality’. This is expected to comprise uses such as travel agents and post offices which were previously classified within Class A1.

Class F1

A new Learning and Non-Residential Institutions Use Class, known as F1, embraces the remaining parts of the existing D1 Use Classes that are not included within the new Class E. This will include education, non-commercial galleries, law courts, libraries, museums, places of worship and public halls.

Class F2

A new Local Community Use Class, known as F2, will comprises part of the current A1 Retail and D2 Leisure Use Classes and includes small corner shops, local community halls, outdoor recreational areas and swimming pools.

Sui Generis - Pubs, wine bars and other drinking establishments, drinking establishments with expanded food provision, hot food takeaways, live music venues, cinemas, concerts, bingo and dance halls are added to the list of sui generis uses so a change from one to another would require planning permission if there is a material change in use.

Other Use Classes

Use Classes C (residential), B2 (general industrial) and B8 (storage and distribution) remain unchanged in all material respects.

Timetable

Transitional provisions ensure that buildings or uses will continue to be subject to any existing PD rights in force on or before 31 August 2020. The provisions remain in place until 31 July 2021 when revised PD rights will be introduced. The changes will come into force on 1 September 2020 although there is a material period from 1 September 2020 to 31 July 2021, during which time references to uses and use classes in the General Permitted Development Order will remain as presently defined in the current UCO. This will allow a transition period where applications for prior approvals in the material period under existing PD rights will be assessed against the current UCO.

For live applications for planning permission submitted before 1 September 2020 which refer to uses or use classes in the current UCO, they must be determined by reference to the old use classes. Once implemented, nevertheless, in the absence of controls in the permission such uses may fall within the new classes for the purposes of the revised UCO. From 1 September 2020 applications will be capable of seeking permissions that specify the new classes within the revised UCO.

Review and update

With any new procedures or definitions there will be a period of settling down while both applicants and local planning authorities seek to ascertain the likely impacts and potential strengths and will provide further updates in due course.

For more information, contact any of the team at White Commercial