

# COMMERCIAL PROPERTY CONSULTANTS

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## Planning Permission and Permitted Development Rights Changes 2020

If you own (or are thinking of buying or leasing) a shop, restaurant, workshop, offices, or even a gym in England, big changes to the use classes have now taken place.

From 1 September 2020, the old use classes that determined what you could or couldn't do with these premises are being swept away, and much-simplified ones are being put in their place. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("UCO") has streamlined the existing 16 Use Classes into 11 by introducing three new broad Use Classes (see details and definitions below).

For any planning applications submitted before 1 September 2020, the Use Classes in effect when the application was submitted will be used to determine the application.

### **Class A is revoked from 1 September 2020.**

- **Classes A1/A2/A3** are effectively replaced with the new Class E(a,b,c)
- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below)
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes
- **Class A4/A5** uses are not covered by the new Class E and become defined as 'Sui Generis'
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.

**Class B1 Business is revoked from 1 September 2020.** It is effectively replaced with the new Class E(g).

- **B1 Business** – Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:
  - B1(a) Offices - Other than a use within Class A2 (see above)
  - B1(b) Research and development of products or processes
  - B1(c) Industrial processes

**Uses B2 and B8 remain valid.**

- **B2 General industrial** - Use for industrial process other than one falling within class E(g) (*previously class B1*) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- **B8 Storage or distribution** - This class includes open air storage.

**Class C** is not affected by the 1 September 2020 changes.

**Class D is revoked from 1 September 2020.**

- **D1** is split out and replaced by the new **Classes E(e-f)** and **F1**
- **D2** is split out and replaced by the new **Classes E(d)** and **F2(c-d)** as well as several newly defined 'Sui Generis' uses.

It is included here for reference and use in specific situations where it remains valid (as detailed above).

- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non-residential education and training centres
- **D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).

**Class E - Commercial, Business and Service is introduced from 1 September 2020.**

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
  - **E(c)(i)** Financial services,
  - **E(c)(ii)** Professional services (other than health or medical services), or
  - **E(c)(iii)** Other appropriate services in a commercial, business or service locality
- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
  - **E(g)(i)** Offices to carry out any operational or administrative functions,
  - **E(g)(ii)** Research and development of products or processes
  - **E(g)(iii)** Industrial processes

## Class F - Local Community and Learning

### Class F is introduced from 1 September 2020.

In two main parts, Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- **F1 Learning and non-residential institutions** – Use (not including residential use) defined in 7 parts:
  - **F1(a)** Provision of education
  - **F1(b)** Display of works of art (otherwise than for sale or hire)
  - **F1(c)** Museums
  - **F1(d)** Public libraries or public reading rooms
  - **F1(e)** Public halls or exhibition halls
  - **F1(f)** Public worship or religious instruction (or in connection with such use)
  - **F1(g)** Law courts
  
- **F2 Local community** – Use as defined in 4 parts:
  - **F2(a)** Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
  - **F2(b)** Halls or meeting places for the principal use of the local community
  - **F2(c)** Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
  - **F2(d)** Indoor or outdoor swimming pools or skating rinks

### Sui Generis

'Sui generis' is a Latin term that, in this context, means 'in a class of its own'.

Certain uses are specifically defined and excluded from classification by legislation, and therefore become 'sui generis'.

These are:

- Theatres
- Amusement arcades/centres or funfairs
- Launderettes
- Fuel stations
- Hiring, selling and/or displaying motor vehicles
- Taxi businesses
- Scrap yards, or a yard for the storage/distribution of minerals and/or the breaking of motor vehicles
- 'Alkali work' (any work registerable under the Alkali, etc. Works Regulation Act 1906 (as amended))
- Hostels (providing no significant element of care)
- Waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste
- Retail warehouse clubs

- Nightclubs
- Casinos
- Betting offices/shops
- Pay day loan shops
- Public houses, wine bars, or drinking establishments – from 1 September 2020, previously Class A4
- Drinking establishments with expanded food provision – from 1 September 2020, previously Class A4
- Hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) – from 1 September 2020, previously Class A5
- Venues for live music performance – newly defined as ‘Sui Generis’ use from 1 September 2020
- Cinemas – from 1 September 2020, previously Class D2(a)
- Concert halls – from 1 September 2020, previously Class D2(b)
- Bingo halls – from 1 September 2020, previously Class D2(c)
- Dance halls – from 1 September 2020, previously Class D2(d)
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Other uses become ‘sui generis’ where they fall outside the defined limits of any other use class.

For any reference to **permitted development rights** and any restrictions to them **or applications for prior approval**, the Use Classes in effect prior to 1 September 2020 are to be used until the end of July 2021 (this is defined as the ‘material period’ in legislation so may be referred to as such).

**Please note:** The information above presents a streamlined overview of complex legislation and should be referred to as a guide only and as written as of 16/12/2020.

White Commercial will be pleased to discuss the above and provide additional information where appropriate.

It is recommended that you confirm the specifics of any such situation with the relevant Local Planning Authority.

