

## Planning Permission for Change of Use

### Use Classes

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'.

The following list gives an indication of the types of use which may fall within each use class. Please note that this is a guide only and it's for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which use class a particular use falls into.

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting 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) including estate and employment agencies and betting offices.
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs).
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.
- **B1 Business** - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
- **B2 General industrial** - Use for industrial process other than one falling within class B1 (excluding incineration

purposes, chemical treatment or landfill or hazardous waste).

- **B8 Storage or distribution** - This class includes open air storage.
- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels).
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.
- **C3 Dwellinghouses** - this class is formed of 3 parts:
  - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
  - C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
  - C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

- **C4 Houses in multiple occupation** - small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
- **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).
- **Sui Generis** - Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: theatres, houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses, amusement centres and casinos.

Before you negotiate a lease or buy a property for your business, check whether you need to obtain planning permission for your intended use, and, if so, your chances of getting it.

### **Changes of use not requiring planning permission**

In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order says that a change of class is permitted to another specified class (see table below and associated text under

‘Additional change of use permitted development rights applying from 30 May 2013’).

For example, a greengrocer’s shop could be changed to a shoe shop without permission as these uses fall within the same ‘class’, and a restaurant could be changed to a shop or a estate agency as the Use Class Order allows this type of change to occur without requiring planning permission.

Most external building work associated with a change of use is likely to require planning permission.

<b>From</b>	<b>To</b>
<b>A2</b> (professional and financial services) when premises have a display window at ground level	<b>A1</b> (shop)
<b>A3</b> (restaurants and cafes)	<b>A1</b> or <b>A2</b>
<b>A4</b> (drinking establishments)	<b>A1</b> or <b>A2</b> or <b>A3</b>
<b>A5</b> (hot food takeaways)	<b>A1</b> or <b>A2</b> or <b>A3</b>
<b>B1</b> (business) (permission limited to change of use relating to not more than 500 square metres of floor space)	<b>B8</b> (storage and distribution)
<b>B2</b> (general industrial)	<b>B1</b> (business)
<b>B2</b> (general industrial) (permission limited to change of use relating to not more than 500 square metres of floor space)	<b>B8</b> (storage and distribution)
<b>B8</b> (storage and distribution) (permission limited to change of use relating to not more than 500 square metres of floor space)	<b>B1</b> (business)
<b>C3</b> (dwelling houses)	<b>C4</b> (houses in multiple occupation)
<b>C4</b> (houses in multiple occupation)	<b>C3</b> (dwellinghouses)
Casinos (sui generis)	<b>D2</b> (assembly and leisure)

Additionally, a planning application is not required for change of use in the following circumstances:

- from A1 or A2 to A1 plus up to two flats above;
- from A2 to A2 plus up to two flats above.

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

### **Additional change of use permitted development rights applying from 30 May 2013**

Agricultural buildings under 500 square metres can change to a number of other uses (A1, A2, A3, B1, B8, C1 and D2). For buildings between 150 square metres and 500 square metres, prior approval (covering flooding, highways and transport impacts, and noise) is required.

Premises in B1, C1, C2, C2A and D2 use classes can change use permanently to a state-funded school, subject to prior approval covering highways and transport impacts and noise.

Premises in B1(a) office use can change to C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.

Prior approval fees for change of use is set at £80. The draft regulations have been laid in Parliament and are due to come into force on 1 October 2013. This fee will be applicable from 1 October 2013.

Buildings with A1, A2, A3, A4, A5, B1, D1 and D2 uses will be permitted to change use for a single period of up to two years to A1, A2, A3 and B1 uses.

Thresholds for business change of use. Thresholds increased on May 2013 from 235 square metres to 500

square metres for permitted development for change of use from B1 or B2 to B8 and from B2 or B8 to B1.

### **Additional change of use permitted development rights applying in England from 6 April 2014**

These new permitted development rights will not apply in sites of special scientific interest, safety hazard areas or military explosives storage areas; nor do they apply to scheduled monuments. With the exception of new Class CA the rights will also not apply to listed buildings.

- **retail to residential** - new class IA allows change of use and some associated physical works from a small shop or provider of professional/financial services (A1 and A2 uses) to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 150 square metres of retail space will be able to change to residential use. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **retail to banks and building societies** - new class CA allows change of use from a shop (A1) to a bank or a building society.
- **agricultural to residential** - new class MB allows change of use and some associated physical works from buildings used for agricultural purposes to residential use (C3). This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change. Up to 450 square metres of retail space will be able to change to up to three dwellings. This new right does not apply to land protected by article 1(5) of the General Permitted Development Order.\*
- **commercial to childcare nurseries** - change of use from offices (B1), hotels (C1), residential (C2 and C2A), non-residential institutions (D1), and leisure and assembly (D2) to nurseries providing childcare. This

involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

- **agricultural to new schools and nurseries** - new class MA allows change of use from buildings used for agricultural purposes to a state funded school or nursery providing childcare. This involves a 'prior approval' process and the local planning authority can consider impacts of the proposed change.

\* Article 1(5) land includes National Parks, the Broads, areas of outstanding natural beauty, conservation areas, World Heritage Sites and certain areas specified under the Wildlife and Countryside Act 1981.

**For details of the changes and the new regime please see:**

- [SI 2014 No. 564](#)
- and associated [SI 2014 No. 565](#)
- and related [explanatory memorandum](#)

### **Changes of use requiring a planning application**

Other than for the permitted changes of use listed above and changes where both uses fall within the same use class, planning permission is generally required for a material change of use.

Most external building work associated with a change of use is likely to require planning permission.

### **Building Regulations**

The building regulations may apply to certain changes of use of an existing building even though you may think that the work involved in the project will not amount to 'Building Work'.

You may wish to contact your local Building Control body for further advice.