

Planning Alert

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Light Industrial to Residential: the next chapter in permitted development

Despite being enacted in April 2016 the permitted development right that allows the change of use of buildings from light industrial (use class B1(c)) to residential (use class C3) at last came into effect on 1 October 2017. This is known as the new 'PA' permitted development class.

In addition, like the original office to residence permitted development rights, the permitted development right is only available for a temporary period, lasting for a period of three years. Any changes of use made within that period will be permanent.

Restrictions and limitations

As expected with these types of permitted development rights, there are a number of limitations and restrictions. These include the following:

- the building must have been used solely for a light industrial use on 19 March 2014 (or if the use has ended, it must have been in this use when it was last actually in use).
- The maximum gross floor space of the building is 500 sq m.
- The rights do not apply if the building lies within a SSSI, safety hazard area, military explosive storage area or to listed buildings or buildings within the curtilage of a listed building, or where the site is or contains a scheduled monument.

Prior approval

Those wishing to use the new PA permitted development right must first obtain prior approval from the local planning authority: the right is not automatic. The application should address issues of transport and highways impact, contamination and flood risks, and also, if the authority considers that the building is in an area important for providing industrial services, whether the introduction of (or increase in) residential use would have an adverse impact on the sustainability of those services. Lastly, should development receive prior approval, it must be completed within three years of the approval date.

Comment

One of the main draw-backs of the right is that any physical changes necessary to convert the building to a residential use are not included in the PD right. Specific planning permission will still need to be sought for such alterations. Additionally, as with all permitted development rights, an Article 4 Direction can be used by planning authorities to dis-apply the permitted development right. Indeed the unusually long lead-in time for class PA was designed to give authorities time to do this, where they thought it appropriate. Some authorities have already made such a Direction, for example the London Borough of Hackney has made a borough wide Article 4 direction effective from 1 May 2018 and other London Boroughs (Hounslow and Southwark for example) have excluded parts of their areas from the provisions.

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