

# Planning Legal Update

December 2015

## Changes to permitted development rights

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) was introduced in April this year consolidating the various amendments to the previous 1995 Order.

The GPDO 2015 alters existing and introduces new permitted development rights (PDR) which we discuss in more detail below.

### New PDR for changes of use

There are new PDR introduced for the following changes of use:

- Class A1 (retail) or A2 (financial and professional services) to class A3 (restaurants and cafes) – limited to 150 sqm and subject to a prior approval process
- Class A1 (retail) to class A2 (financial and professional services)
- Class A1 (retail) or A2 (financial and professional services) to class D2 (assembly and leisure) – limited to 200 sqm and subject to a prior approval process
- Use as a casino or amusement arcade to class C3 (dwellinghouse) – limited to 150 sqm and subject to a prior approval process
- Class B8 (storage and distribution) to class C3 (dwellinghouse) – limited to 500 sqm and subject to a prior approval process and the property must have been in B8 use for 4 years

### Betting offices and payday loan shops

Betting offices and payday loan shops have now been removed from use class A2 (financial and professional services) and are now considered to be sui generis (i.e. use classes of their own).

### Drinking establishments (assets of community value)

From 6 April 2015, where a drinking establishment has been nominated as an asset of community value, permitted development rights are no longer available to change to an A1 (retail) use or to demolish the property.

### Offices to residential

Permitted development rights for a change of use from offices (B1(a)) to residential (C3) are now contained in Class O of Part 3 of Schedule 2 of the new Order (formerly they were contained in Class J).

In October 2015, the Government announced that these PDR (due to expire on 30 May 2016) will become permanent, however we have yet to see the legislation which will provide for this. It was also confirmed that:

- Those who already have prior approval or who secure permission will have three years to complete the change of use.
- The rights will, in future, allow the demolition of office buildings and new buildings for residential use. This will be subject to limitations and the local planning authority's prior approval. The Government will provide further details.