

# Planning 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.
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- **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.
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- **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 Dwellings** - 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.
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- **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).
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- **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.

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<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)
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<b>C3</b> (dwellinghouses)	<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.

#### Article 4 Directions

A very helpful summary can be found here

<http://www.english-heritage.org.uk/professional/advice/hpg/historicenvironment/article4directions/>

#### **The "Moran Condition"**

This example covers a proposal to demolish an existing pub and replace with a mixed-use building but is equally applicable to proposals to build flats in upper stories with pub use and the ground/basement level. This was the wording used in CAMRA's submission:

"Any replacement building must contain a designated A4 space that occupies at least the same amount of space as that currently occupied (ground floor, basement and terrace) and not a square foot less. As a condition of granting permission, should it do so, the Council must insist that the replacement space is for A4 purposes, which by definition will be able to incorporate all the current community facilities. So if the Council were minded to approve the application, notwithstanding the objections detailed above, they should attach planning conditions as follows.

A condition attached to the consent which removes the permitted development rights which would assist in ensuring the long-term survival of the public house use on the premises. This is very common place where the removal of permitted development rights is needed to achieve a valid planning objective (in this instance protecting the pub as a community facility and as an asset within a Conservation Area). There is a standard form of words for such a condition as follows:

"Notwithstanding the provision of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order), planning permission shall be required in respect of development constituting a change of use to uses within Use Classes A1, A2 or A3 to the Second schedule to the Order, or for any proposal to change the use temporarily to B1 business use under the extension of Permitted Development enacted in 2013. In addition, planning permission shall be required for any demolition which would otherwise constitute permitted development."

There is ample precedent for this. In the case of The Wenlock Arms in Hackney, the local Council allowed the development of the upper stories (into private flats) with the imposition of a Moran Condition. The approved scheme, with its Moran Condition (removal of the permitted development

rights, effectively an Article 4 Direction), has, CAMRA believes, now secured a proper refurbishment and repair programme with new facilities to secure and maintain the pub's long-term survival. Indeed initial work on improvements to the ground floor and basement have taken place and the pub is successfully trading again.

This does not mean that CAMRA accepts the principle of the loss of the existing building or its present community use, but is our position if Brent are otherwise to recommend approval for a scheme of replacement, whether that currently proposed or any other requiring demolition of the present building.

We also insist that the developers must get professional valuations on the pub premises and offer them at a fair market rent, in priority to the existing tenants. This is to avoid an over-pricing of the rent on the lease, failing to get tenants and then saying "we tried our best, we can't get any pub tenants, so please give us permission to convert it to A3 etc". This is an example of such wording

"A planning obligation requiring an independent commercial rental valuation for the pub, ground floor/basement/cellar/terrace as a single unit carried out by a chartered surveyor agreeable to both parties with expertise in the valuation of licensed leisure premises. In order to ensure that a viable rental is set for the pub premises and to preserve the pub use protected by local, regional and national planning policy."

"A planning obligation requiring that none of the residential flats may be occupied until a tenant has been secured by means of a signed lease for the public house premises and that the conditions relating to rental valuation, and tying the basement, terrace and ground floor uses together have been met, as well as the removal of PDR (Condition 1). To secure the pub use as above."