

## Item 7 – Appendix 1

### PERMITTED DEVELOPMENT

New permitted development rights for change of use will come into force on 6 April 2014. These new permitted development rights are being introduced to make it easier for businesses to make the best use of their premises; to deliver more homes; to support high streets; to simplify the change of use system; to support sustainability by promoting the reuse of buildings; and to facilitate the provision of registered nurseries and state-funded schools.

The new permitted development rights allow the change of use:

#### **Class IA**

**Change of use to Class C3 from A1, A2 or a mixed use as a dwelling house with a use falling within either A1 or A2.**

#### **Summary**

- from retail (A1) or financial and professional services (A2) to residential (C3) with some associated physical works. Up to 150m<sup>2</sup> can change use. This right is subject to prior approval of matters including its impact on the sustainability of a key shopping area and the adequate provision of services where there is a likelihood of the building being used a retail purpose. It does not apply in article 1(5) land.

The main points to note:

- The building has to be in one of the above uses on the 20 March 2013;
- Change not allowed if permission to use the building for a use within Class A1 or A2 has been granted only by this Part;
- The cumulative floor space of the existing building changing use is limited to 150sqm;
- The building can not be extended under this Part.
- Partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 is allowed

- The applicant shall apply to the Council for a determination as to whether the prior approval of the Council is required in relation to transport, highways, contamination and flooding risks in relation to the building and whether it is undesirable for the building to change use because of the impact on the change of use on the adequate provision of services that may be provided by its current use where there is a reasonable prospect of the building being used to provide such services or where the building is located in a key shopping area, on the sustainability of that shopping area. .
- No other matters can be considered and the matters above are to be considered only using the National Planning Policy Framework.
- The applicant shall also apply to the Council for a determination as to whether the prior approval of the Council will be required as to the design or external appearance of the building.
- The development shall begin within 3 years beginning with the date on which any prior approval is given or the notification period of the application expiring without the Council notifying the developer as to whether prior approval for the development is given or refused.

## **Class CA**

**Change of use of a building to use as a deposit taker falling within Class A2 from an existing Class A1 use.**

### **Summary**

- from retail (A1) to banks, building societies, credit unions and friendly societies, but do not allow subsequent change to other A2 uses. This right applies to listed buildings.

The main points to note:

- A site which has changed use under this Class is to be used as a depositer taker and for no other purpose except to the extent that an other purpose is ancillary to its primary use as a deposit taker.

- As soon as reasonably practical after a change of use under this Class the developer shall notify the Council of the change of use and provide the Council with evidence that the site is being used as a deposit maker.
- A site which has changed use under this Class to a particular type of deposit taker use may only change use to another use falling within the definition of “deposit taker” if, as soon as reasonably practical after a change of use under this Class, the developer notifies the Council of the change of use and provides the Council with evidence that the site is being used as a deposit maker.

For the purpose of Class CA “deposit taker” means an entity with permission under Part 4A of the Financial Services and Markets Act 2000(a) that includes accepting deposits, including; a bank; a building society; a credit union; and a friendly society.

### **Class MA**

Change of use of buildings and any land within its curtilage in agricultural use to state funded schools and or a registered nursery.

### **Summary**

- from buildings in agricultural use to state-funded schools and registered nurseries providing childcare. This measure does apply in article 1(5) land.

Main Points to Note:

- The building must have been in agricultural use since 20<sup>th</sup> March 2013 or if after that date for a period of at least 10 years;
- Cumulative area of the floor space of the building(s) and land within the curtilage of an established agricultural unit must not exceed 500 square metres;
- If the site is occupied under agricultural tenancy, express consent of both the landlord and the tenant is required;
- If an agricultural tenancy terminates less than one year before the date of development is to begin and was carried out for the purposes of Class MA, then an agreement in writing must be provided from both the landlord and tenant stating that the site is no longer required for agricultural use;
- Does not apply to established agricultural units which have exercised their existing agricultural permitted development rights since 20<sup>th</sup> March 2013 or within 10 years from the date development begins under Class MA;

- Does not apply to sites which fall within or contain a site of special scientific interest, safety hazard zone, military explosives storage area, scheduled monument or listed building;
- The applicant shall apply to the Council for a determination as to whether the prior approval of the Council is required in relation to transport and highways impacts, noise impacts, contamination risks, flooding risks and location and siting of building;
- If prior approval is granted, development must begin within 3 years;
- If a decision is not made within 56 days, permission is automatically granted.

### **Class MB**

- Change of use buildings and any land within its curtilage in agricultural use to a Class C3 dwellinghouse with some associated physical works to enable the conversion to take place

### **Summary**

- from buildings in agricultural use to residential (C3) with some associated physical works to enable conversion to take place. Up to 450m<sup>2</sup> can change use on an agricultural unit to provide up to three homes. This right is subject to prior approval on a number of matters and will not apply on article 1(5). However Ministers are clear that they expect planning authorities in protected areas to take a positive and proactive approach to sustainable development, balancing the protection of the landscape with the social and economic wellbeing of the area.

### **Main Points to Note:**

- The building must have been in agricultural use since 20<sup>th</sup> March 2013 or if after that date for a period of at least 10 years;
- Cumulative area of the floor space of the building(s) and land within the curtilage of an established agricultural unit including any previous development approved under Class MB, must not exceed 450 square metres;
- Cumulative increase must not exceed three separate dwellinghouses;
- If the site is occupied under agricultural tenancy, express consent of both the landlord and the tenant is required;
- If an agricultural tenancy terminates less than one year before the date of development is to begin and was carried out for the purposes of Class MB, then an

agreement in writing must be provided from both the landlord and tenant stating that the site is no longer required for agricultural use;

- Does not apply to established agricultural units which have exercised their existing agricultural permitted development rights since 20<sup>th</sup> March 2013 or within 10 years from the date development begins under Class MB.
- the development must not exceed the external dimensions of the existing building;
- makes provision for building operations to be included in the change of use extending to the installation or replacement of – windows, doors, roofs, exterior walls or water, drainage, electricity gas or other services and partial demolition – assessment is required to the extent of works reasonably required for a building to function as a dwellinghouse;
- Important to note that full demolition and rebuild will not be considered permitted development;
- Does not apply to sites which fall within or contain Article 1(5) land, a site of special scientific interest, safety hazard zone, military explosives storage area, scheduled monument or listed building;
- The applicant shall apply to the Council for a determination as to whether
  - (i) the prior approval of the Council is required for the proposed change of use in relation to transport and highways impacts, noise impacts, contamination risks, flooding risks and location and siting of building;
  - (ii) the prior approval of the Council is required for the proposed building operations reasonably necessary to convert the building in relation to the design and external appearance of the building;
- If prior approval is granted, development must begin within 3 years;
- If a decision is not made within 56 days, permission is automatically granted.

### **General Note on changes of use to dwelling houses**

Any dwelling houses that have been granted by virtue of Classes IA or MB Part 3 will not benefit from permitted development rights for development within the curtilage of a dwelling house (Part 1, Schedule 2 of the General Permitted Development Order Classes A – H).

### **Class K**

An amendment has been made to Class K to enable offices, hotels, residential and non residential institutions and leisure and assembly (B1, B1, C2, CA2 and D2) to change use to a registered nursery providing early years childcare in addition to state schools. The

applicant is still required to apply to the Council for determination as to whether the prior approval of the Council is required in relation to transport, highways, noise and contamination risks.

### **Clarification of matters and changes to Paragraph N - Prior Approval Procedures**

- In relation to the assessment of flooding where the Environment Agency are to be consulted, a site specific flood risk assessment is required;
- Must only consider the National Planning Policy Framework in relation to the extent that it is relevant to the matter on which prior approval is sought;
- may attach conditions to grants of prior approval, as long as those conditions are relevant to the matter on which prior approval is granted;
- may refuse an application if the Council is not satisfied that the proposed development qualifies as permitted development, or if there is a lack of insufficient information to establish whether the proposed development qualifies as permitted development;
- may request further information from applicants relevant to the matters on which prior approval is sought or to the question of whether the proposed development qualifies as permitted development.