

A Talking Town Planning Briefing Note

Changes to the Use Classes Order



TETRA TECH

July 2020

The Government has been whispering of updating the “70-year-old planning system” since the start of 2020, teasing once again in the Prime Minister’s recent ‘Build Back Better’ speech. Alongside other planning system changes, the [*Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020 \(SI 2020 No.757\)*](#) were laid down on the 20 July to amend the 1987 Use Classes Order. The changes will take effect from the 1 September 2020.

The new regulations remove Use Classes A1/2/3/4/5 and D1/2 and create three new overarching Use Classes: Class E (Commercial, business and services), Class F1 (Learning and non-residential institutions) and Class F2 (Local community). Whilst the slimming down the number of Use Classes may seem simpler, as always, the devil is in the detail.

The new Use Classes comprise:

Class E – Commercial, Business and Services	Class F1 – Learning and Non-residential institutions	Class F2 – Local Community
<ul style="list-style-type: none">a) Shopsb) Restaurantsc) The following services:<ul style="list-style-type: none">i. Financial servicesii. Professional servicesiii. Other services appropriate in a commercial, business or service localityd) Indoor sport, recreation or fitness centrese) Medical or health servicesf) Creches, day nurseries and day centresg) For:<ul style="list-style-type: none">i. Officesii. Research and developmentiii. Any industrial process	<ul style="list-style-type: none">a) Schools and education facilitiesb) Art galleriesc) Museumsd) Librariese) Public or exhibition hallsf) Places of worshipg) Law courts	<ul style="list-style-type: none">a) Shops selling mostly essential goodsb) Meeting hallsc) Areas for outdoor sport, not involving motorised vehicles or firearmsd) Swimming pools and ice rinks

Within Class E, buildings for industrial processes (Class E(g)(iii)) are those which formerly classed as B1(c), i.e. appropriate for residential locations. Class B2 (General Industrial) and Class B8 (Storage and Distribution) uses are unaffected by these changes.

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Class E(c)iii - or "other services appropriate to a commercial, business or service locality" - is somewhat vague in its description. We note that previous uses specified in Class A1 (Post Offices, hairdressers, ticket offices etc) are not explicitly carried over into the new use classes, but are likely to be caught by this classification. Without accompanying detail in the explanatory memorandum, this ambiguity may cause wide interpretation.

Class F2(a) includes a specific form of development, listed as "Shops selling essential goods". These shops are defined as units selling a range of dry goods and food to visiting members of the public where there are no commercial units within 1000m, and the unit's area under 280sq m.

With the demise of the old Class A and D uses, there are a number of uses that would have previously been covered by a use class, but now fall outside of them, as a *sui generis* use, as follows:

- Public houses, wine bars or drinking establishments (formerly Class A4)
- Drinking establishments with expanded food provision (formerly Class A4 or A5)
- Hot food takeaways (formerly Class A5)
- Live music venue (formerly Class D2)
- Cinemas (formerly Class D2(a))
- Concert hall (formerly Class D2(b))
- Bingo halls (formerly Class D2(c))
- Dance Halls (formerly Class D2(d))

But what do these changes mean? Essentially, they allow land and buildings to change within the newly constructed use classes without applying for planning permission. Given the breadth of the new Class E, in the case of town centres, this allows greater flexibility for businesses to respond to rapid change – the explanatory note even states that this greater flexibility *"is particularly important at present times as town centres seek to recover from the economic impact of Coronavirus"*.

Transitional arrangements have been put in place covering existing permitted development rights that allow changes between use classes without the need for a formal planning permission. Any building or use will continue to be subject to the permitted development rights it was entitled to on or before the 31st August until the 31st June 2021. In effect, whilst we will move to classifying buildings as their new Use Class from 31st August, when it comes to any permitted development rights, one has to revert back to the previous Use Class until revised permitted rights aligning to the new Use Classes are published next year.
