

PROPERTY BRIEFING PAPER 15

The Government's Response to the Proposed
Changes to the Use Classes Order

CONTACT

**Jim Morrissey BSc Econ
(Hons) Dip TP MRTPI**

**Julian Sutton BA (Hons)
MSc MRTPI**

Planning Minister Keith Hill announced on 27 November 2003 the Government's response to the public consultation on the proposed changes to the Use Classes Order.

At present, the Town & Country Planning (Use Classes) Order 1987 (as amended) (UCO) sets out classes of use and provides that a move between activities within the same use class is not development and therefore does not require planning permission. The Town & Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) provides further flexibility by classifying certain moves between use classes as "*permitted development*" that does not require planning permission.

On 12 December 2001, the Government published the Planning Green Paper. This announced the intention to review the Use Classes Order and ensure that it is constructed in a way which allows maximum possible deregulation consistent with delivering planning policy objectives. In January 2002 the Government published a consultation paper entitled "*Possible Changes to the Use Classes Order and Temporary Uses Provisions*".

The Government's response to the consultation on the possible changes to the Use Classes Order is relevant to all those with commercial property interests.

Changes are proposed to the A Use Class. Namely;

Warehouse clubs will be re-classified as sui generis.

It is confirmed that Internet Cafes will fall under Use Class A1.

Motor vehicle showrooms will no longer enjoy permitted development rights to change to Use Class A1.

Three new Use Classes have been created by the Government, as part of proposals to stop town centres and high streets from becoming a "*neon lit theme pub hell*".

It is now proposed that pubs and bars will be classified under a new Use Class A4. Takeaways will be covered by another new classification, Use Class A5.

Planning permission will be required to change the use of A1, A2 and A3 uses to either of the two new classes. However, both A4 and A5 Use Classes will be permitted a change of use to A1, A2 or A3 classification.

Changes to the A Use Class

| USE CLASS REVISIONS | | |
|---|---|---|
| Existing Use Class | Proposed Use Class | Permitted Change To |
| A1: Retail | A1: Shops - to include Internet cafes | None |
| A2: Financial and Professional Services | A2: Financial and professional services | A1: Where ground floor display window exists. |
| A3: Food and Drink | A3: restaurant and cafes | A1 or A2 |
| | A4 Public Houses and Bars | A1, A2 or A3 |
| | A5 Takeaways | A1, A2 or A3 |

The changes to the A Use Class marks an about turn from the Government's initial stance, which was to create a Single Mixed Use Class for shops and professional and financial services.

In addition, nightclubs will now be classified as Use Class D3 (Late Night Leisure Uses). Planning permission will be required for any change of use from or to Use Class D3 from any other classification.

The above changes will take effect from next summer.

Clients with car showrooms with unrestrictive permissions and who are considering disposal of the property for retail use are strongly advised to progress with this as soon as possible.

Any clients who wish for more details on the above changes and the implications for their business, should contact either Jim Morrissey or Julian Sutton of Chase & Partners Town Planning Department.

FURTHER INFORMATION

Further copies of this and previous briefing papers may be obtained from Graham Chase as may additional information or assistance on planning and development issues.

Chase & Partners provide comprehensive retail planning and development services to the private sector and Local Authorities, including 'health checks' and retail impact assessments, and the sequential approach. Graham Chase and Jim Morrissey, Directors of Chase & Partners, have advised over 100 private sector clients and 50 Local Authorities on retail planning matters in the past 4 years.

Chase & Partners, 20 Regent Street, St James's, London SW1Y 4PH

Tel: 020 7389 9494

Fax: 020 7389 9456

Other Papers available in this series:-

Retail Property Briefing Paper 1

PPG6 Retail Warehousing: Towards Consensus? Matter of Control! October 1996

Retail Property Briefing Paper 2

The Sequential Test: Opportunity or Problem? November 1996

Retail Property Briefing Paper 3

End of Year Round Up - Developments in the Retail Property Market December 1996

Retail Property Briefing Paper 4

End of Year Round Up - The Retail & Leisure Property Market December 1997

Retail Property Briefing Paper 5

Rating of Commercial Property - Update 1998 May 1998

Retail Property Briefing Paper 6

End of Year Round Up - The Retail Property Market December 1998

Retail Property Briefing Paper 7

End of Year Round Up - The Leisure Property Market December 1998

Retail Property Briefing Paper 8

The "Need" for Development July 1999

Retail Property Briefing Paper 9

End of Year Round-up - The Retail Property Market December 1999

Retail Property Briefing Paper 10

Flexibility and The Sequential Approach February 2000

Retail Property Briefing Paper 11

Need and the Sequential Approach March 2000

Retail Property Briefing Paper 12

Funding the Improvement of Town Centre & Town Centre Management Schemes November 2000

Retail Property Briefing Paper 13

End of year roundup The Retail Property Market December 2001

Retail Property Briefing Paper 14

End of year roundup The Retail Property Market December 2002