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STATUTORY INSTRUMENTS

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**2005 No. 84**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005**

*Made* - - - - - *21st January 2005*

*Coming into force* - - - - - *21st April 2005*

The First Secretary of State, in exercise of the powers conferred upon him by sections 55(2)(f) and 333(7) of the Town and Country Planning Act 1990(1) and all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, commencement, application and interpretation**

1.—(1) This Order may be cited as the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and shall come into force on 21<sup>st</sup> April 2005.

(2) This Order applies in relation to England only.

(3) In this Order “the principal Order” means the Town and Country Planning (Use Classes) Order 1987(2).

**Amendments to the principal Order**

2.—(1) In article 3(6) of the principal Order (exclusion from use classes) after sub-paragraph (j) insert—

“(k) as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club;

(l) as a night-club.”.

(2) In Part A of the Schedule to the principal Order

(a) in Class A1(Shops), after sub-paragraph (j) insert—

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(1) 1990 c. 8; to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 55 and 333(7) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672; see the entry in Schedule 1 for the Town and Country Planning Act 1990 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 ( S.I. 2000/253).

(2) 1987/764; relevant amending instruments are S.I. 1991/1567, S.I. 1992/610, S.I. 1992/657, S.I. 1994/724, S.I. 1995/297 and S.I. 1999/293.

- “(k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet”;
- (b) for Class A3 (Food and drink) substitute—

**“Restaurants and cafes**

**Class A3.** Use for the sale of food and drink for consumption on the premises.

**Drinking establishments**

**Class A4.** Use as a public house, wine-bar or other drinking establishment

**Hot food takeaways**

**Class A5.** Use for the sale of hot food for consumption off the premises.”.

Signed by authority of the First Secretary of State

21st January 2005

*Keith Hill*  
Minister of State Office of the Deputy Prime  
Minister

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Use Classes) Order 1987 (“the principal Order”). The principal Order specifies classes for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class.

This Order amends the principal Order by excluding from the specified classes use as a retail warehouse club, and use as a night-club . It also has the effect of including in the shops class (Class A1), use as an internet café, and splitting the former A3 use class (food and drink), into three new classes; Class A3 use as a restaurant or café, Class A4, use as a public house, wine-bar or other drinking establishment; and Class A5, use as a hot food takeaway.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business is available on the internet at [www.odpm.gov.uk](http://www.odpm.gov.uk). Copies can be obtained by post from the Office of the Deputy Prime Minister, 4/H1, Bressenden Place, London SW1E 5DU, or by phoning 0207 944 3947.