

**2005 No. 85**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005**

*Made* - - - - - *21st January 2005*  
*Laid before Parliament* *31st January 2005*  
*Coming into force* - - - *21st April 2005*

The First Secretary of State, in exercise of the powers conferred upon him by sections 59 and 333(7) of the Town and Country Planning Act 1990(a) and of 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 (General Permitted Development) (Amendment) (England) Order 2005 and shall come into force on 21st April 2005.
- (2) This Order applies in relation to England only.
- (3) In this Order, any reference to Part 3 is a reference to that numbered Part of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995(b).

**Amendments to Part 3 (Changes of Use)**

2.—(1) For Class A of Part 3 substitute—

**“Class A**

<b>Permitted development</b>	<b>A. Development consisting of a change of use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) of the Schedule.</b>
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**Class AA**

<b>Permitted development</b>	<b>AA. Development consisting of a change of use of a building to a use falling within Class A3 (restaurants and cafes) of the Schedule to the Use Classes Order from a use falling within Class A4 (drinking establishments) or Class A5 (hot food takeaways) of that Schedule.”.</b>
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(a) 1990 c.8 to which there are amendments not relevant to this Order. The functions of the Secretary of State under sections 59,60 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).

(b) S.I. 1995/418; relevant amending instruments are S.I. 1999/293, and S.I. 2003/956.

(2) In Class C of Part 3, after “Class A3” omit “(food and drink)” and insert “(restaurants and cafes), Class A4 (drinking establishments) or Class A5 (hot food takeaways)”.

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 (General Permitted Development) Order 1995. Part 3 of Schedule 2 to that Order grants planning permission for certain changes of use by reference to classes of use specified in the Town and Country Planning (Use Classes) Order 1987 SI 1987 No.764. That Order is amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 which substitutes for the former class A3 (food and drink), three new use classes: restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5).

Article 2 of this Order, which amends Part 3 of Schedule 2 to the 1995 Order, reflects the three new use classes, which replace the former class A3 (food and drink). The three new use classes are given permitted development rights to change to shops (A1) uses or financial and professional services (A2) uses specified in the 1987 Order.

Drinking establishments and hot food takeaways are given permitted development rights to change to restaurants and cafes.

Article 2 has the effect of removing the permitted development rights for motor car showrooms to change to shops (A1) uses.

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.

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