

SCHEDULE 2

Permitted development rights

PART 7

Non-domestic extensions, alterations etc

Class A – extensions etc of shops or financial or professional premises

Permitted development

A. *The extension or alteration of a shop or financial or professional services establishment.*

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) in respect of an original building or a development on—
 - (aa) article 2(3) land, or
 - (bb) a site of special scientific interest, 25% or 50 square metres (whichever is the lesser);
 - (ii) in any other case, 50% or 100 square metres (whichever is the lesser);
- (b) the height of the building as extended would exceed 4 metres;
- (c) any part of the development (other than an alteration)—
 - (i) is on land which—
 - (aa) adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of the Schedule to the Use Classes Order,
 - (bb) is article 2(3) land, or
 - (cc) is a site of special scientific interest, and
 - (ii) is within 2 metres of any boundary of the curtilage of the premises;
- (d) the development would be within the curtilage of a listed building;
- (e) any alteration would be on article 2(3) land;
- (f) the development would consist of or include the construction or provision of a verandah, balcony or raised platform;
- (g) any part of the development would extend beyond an existing shop front;
- (h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or
- (i) the development would involve the installation or replacement of a security grill or shutter on a shop front.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

Status: This is the original version (as it was originally made).

- (a) any alteration is at ground floor level only;
- (b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and
- (c) any extension or alteration is only to be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.

Interpretation of Class A

A.3 For the purposes of Class A—

“raised platform” means a platform with a height greater than 0.3 metres; and

“shop or financial or professional services establishment” means a building, or part of a building, used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended,

and where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

Class B – construction of shop trolley stores

Permitted development

B. The erection or construction of a trolley store within the curtilage of a shop.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure erected would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be—
 - (i) within 20 metres of any boundary of the curtilage of; or
 - (ii) above or below,
any building used for any purpose within Part C (residential premises or institutions) of the Schedule to the Use Classes Order or as a hostel;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be within the curtilage of a listed building; or
- (e) the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres.

Condition

B.2 Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

Interpretation of Class B

B.3 For the purposes of Class B—

“shop” means a building used for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

Class C – click and collect facilities

Permitted development

C. Development consisting of the erection or construction of a collection facility within the curtilage of a shop.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) the development would result in more than 1 collection facility within the curtilage of a shop;
- (b) the gross floor space of the building or structure would exceed 20 square metres;
- (c) the height of the building or structure would exceed 4 metres;
- (d) any part of the development would be within 2 metres of any boundary of the curtilage;
- (e) any part of the development would be between a shop front and a highway where the distance between the shop front and the boundary of the curtilage of the premises is less than 5 metres; or
- (f) any part of the development would be—
 - (i) on article 2(3) land;
 - (ii) in a site of special scientific interest; or
 - (iii) within the curtilage of a listed building or a scheduled monument.

Conditions

C.2.—(1) Development is permitted by Class C subject to the condition that the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the development and the following sub-paragraphs apply in relation to that application.

(2) The application must be accompanied by—

- (a) a written description of the proposed development, which must include details of any building operations proposed;
- (b) a plan indicating the site and showing the proposed development;
- (c) the developer’s contact address; and
- (d) the developer’s email address if the developer is content to receive communications electronically,

together with any fee required to be paid.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions, limitations or restrictions specified in Class C as being applicable to the development in question.

Status: This is the original version (as it was originally made).

(4) Sub-paragraphs (5) and (7) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form on any adjoining owner or occupier.

(6) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.

(7) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any notice given under sub-paragraph (5);

(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012⁽¹⁾, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

(8) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(9) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (8)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (2),

unless the local planning authority and the developer agree otherwise in writing.

(10) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Interpretation of Class C

C.3 For the purposes of Class C—

“collection facility” means a building or structure designed to be used by visiting members of the public for the collection of any goods and for the storage of goods awaiting such collection; and

(1) https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf A copy of which may be inspected at the Planning Directorate, the Department for Communities and Local Government, 2 Marsham Street, London, SW1P 4DF.

“shop” means a building used for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order.

Class D – modification of shop loading bays

Permitted development

D. Development consisting of modification of a loading bay of a shop.

Development not permitted

D.1 Development is not permitted by Class D if—

- (a) the size of the original loading bay, when measured in any dimension, would be increased by more than 20%; or
- (b) any part of the development would be—
 - (i) on article 2(3) land;
 - (ii) in a site of special scientific interest; or
 - (iii) within the curtilage of a listed building or a scheduled monument.

Conditions

D.2 Development is permitted by Class D subject to the condition that the materials used must be of a similar appearance to those used in the construction of the exterior of the shop.

Interpretation of Class D

D.3 For the purposes of Class D—

- “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988⁽²⁾;
- “loading bay” means any facility, including vehicle ramps, for the loading or unloading of goods vehicles; and
- “shop” means a building used for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order.

Class E – hard surfaces for shops, catering or financial or professional premises

Permitted development

E. Development consisting of—

- (a) *the provision of a hard surface within the curtilage of a shop or catering, financial or professional services establishment; or*
- (b) *the replacement in whole or in part of such a surface.*

Development not permitted

E.1 Development is not permitted by Class E if—

(2) 1988 c.52.

Status: This is the original version (as it was originally made).

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or
- (b) the development would be within the curtilage of a listed building.

Conditions

E.2 Development is permitted by Class E subject to the following conditions—

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking.

Interpretation of Class E

E.3 For the purposes of Class E, “shop or catering, financial or professional services establishment” means a building used for any purpose within Classes A1 to A5 of the Schedule to the Use Classes Order.

Class F – extensions etc of office buildings

Permitted development

F. *The extension or alteration of an office building.*

Development not permitted

F.1 Development is not permitted by Class F if—

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) in respect of an original building or a development on—
 - (aa) article 2(3) land, or
 - (bb) on a site of special scientific interest, 25% or 50 square metres (whichever is the lesser);
 - (ii) in any other case, 50% or 100 square metres (whichever is the lesser);
- (b) the height of the building as extended would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
 - (ii) in all other cases, the height of the building being extended;
- (c) any part of the development, other than an alteration, would be within 5 metres of any boundary of the curtilage of the premises;
- (d) any alteration would be on article 2(3) land; or
- (e) the development would be within the curtilage of a listed building.

Conditions

F.2 Development is permitted by Class F subject to the following conditions—

- (a) any office building as extended or altered is only used as part of, or for a purpose incidental to, the use of that office building;
- (b) any extension is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended; and
- (c) any alteration is at ground floor level only.

Interpretation of Class F

F.3 For the purposes of Class F, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

Class G – hard surfaces for office buildings

Permitted development

G. Development consisting of—

- (a) *the provision of a hard surface within the curtilage of an office building to be used for the purpose of the office concerned; or*
- (b) *the replacement in whole or in part of such a surface.*

Development not permitted

G.1 Development is not permitted by Class G if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage (excluding hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or
- (b) the development would be within the curtilage of a listed building.

Conditions

G.2 Development is permitted by Class G subject to the following conditions—

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the office building.

Class H – extensions etc of industrial and warehouse

Permitted development

H. The erection, extension or alteration of an industrial building or a warehouse.

Development not permitted

H.1 Development is not permitted by Class H if—

- (a) the gross floor space of any new building erected would exceed—

Status: This is the original version (as it was originally made).

- (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
- (ii) in any other case, would exceed 200 square metres;
- (b) the gross floor space of the original building would be exceeded by more than—
 - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
 - (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
 - (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);
- (c) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (d) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

Conditions

H.2 Development is permitted by Class H subject to the following conditions—

- (a) the development is within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered is only to be used—
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
- (c) no building as erected, extended or altered is used to provide employee facilities—
 - (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
 - (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999(3);
- (d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

(3) [S.I. 1999/743](#). There are amendments not relevant to this Order.

- (e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation of Class H

H.3 For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

H.4 For the purposes of Class H—

“dangerous substance” has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999;

“employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees; and

“original building” does not include any building erected at any time under Class H.

Class I – developments relating to an industrial process

Permitted development

I. Development carried out on industrial land for the purposes of an industrial process consisting of—

- (a) *the installation of additional or replacement plant or machinery;*
- (b) *the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or*
- (c) *>the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.*

Development not permitted

I.1 Development described in Class I(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class I

I.2 For the purposes of Class I, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Class J – hard surfaces for industrial and warehouse premises

Permitted development

J. Development consisting of—

- (a) *the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or*

Status: This is the original version (as it was originally made).

- (b) *the replacement in whole or in part of such a surface.*

Development not permitted

J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed building.

Conditions

J.2 Development is permitted by Class J subject to the following conditions—

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

Class K – waste deposits from an industrial process

Permitted development

K. *The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.*

Development not permitted

K.1 Development is not permitted by Class K if—

- (a) the waste material is or includes material resulting from the winning and working of minerals; or
- (b) the use on 1st July 1948 was for the deposit of material resulting from the winning and working of minerals.

Class L – development at waste management facilities

Permitted development

L. *Development carried out on land used for the purposes of a waste management facility consisting of—*

- (a) *the extension or alteration of a building; and*
- (b) *the installation of replacement plant or machinery.*

Development not permitted

L.1 Development described in Class L is not permitted if—

- (a) the gross floor space occupied by the replacement plant or machinery would exceed by more than 15% the gross floor space of the plant or machinery it replaced;

- (b) the development under Class L (together with any previous development under Class L) would result in the area occupied by buildings, plant or machinery on the site exceeding the original area occupied by buildings, plant or machinery by more than—
 - (i) 50%; or
 - (ii) 100 square metres,whichever is the lesser;
- (c) the height of any building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or
 - (ii) in all other cases, the height of the building being extended or altered or 15 metres, whichever is the lower;
- (d) the height of any replacement plant or machinery would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the site, 5 metres; or
 - (ii) in all other cases, 15 metres;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the site;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles;
- (g) the development would be—
 - (i) on article 2(3) land; or
 - (ii) in a site of special scientific interest;
- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

Conditions

L.2 Development is permitted by Class L subject to the condition that any building as extended or altered is only used as part of, or for a purpose incidental to, the use of the site as a waste management facility.

Interpretation

L.3 For the purposes of Class L—

“waste management facility” means premises and associated land used for the purposes of any waste operation for which an environmental permit is required under Part 2 of the Environmental Permitting (England and Wales) Regulations 2010(4) or which is an exempt facility under those Regulations; and

“waste operation” has the meaning given in the Environmental Permitting (England and Wales) Regulations 2010.

Class M – extensions etc for schools, colleges, universities and hospitals

Permitted development

M. The erection, extension or alteration of a school, college, university or hospital building.

(4) [S.I. 2010/675](#). “Environmental permits” has the meaning given in regulation 13(1) and “exempt facility” has the meaning given in regulation 5.

Development not permitted

M.1 Development is not permitted by Class M—

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
 - (i) 25% of the gross floor space of the original school, college, university or hospital buildings; or
 - (ii) 100 square metres,whichever is the lesser;
- (b) if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;
- (c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;
- (d) if the height of any new building erected would exceed 5 metres;
- (e) if the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
 - (ii) in all other cases, the height of the building being extended or altered;
- (f) if the development would be within the curtilage of a listed building; or
- (g) unless—
 - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
 - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

Conditions

M.2 Development is permitted by Class M subject to the following conditions—

- (a) the development is within the curtilage of an existing school, college, university or hospital;
- (b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;
- (c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and
- (d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation of Class M

M.3 For the purposes of Class M—

“original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class M; and

“school” does not include a building which changed use by virtue of Class S of Part 3 of this Schedule (changes of use),

where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement.

Class N – hard surfaces for schools, colleges, universities or hospitals

Permitted development

N. Development consisting of—

- (a) *the provision of a hard surface within the curtilage of any school, college, university or hospital to be used for the purposes of that school, college, university or hospital; or*
- (b) *the replacement in whole or in part of such a surface.*

Development not permitted

N.1 Development is not permitted by Class N if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the site (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres;
- (b) as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used; or
- (c) the development would be within the curtilage of a listed building.

Conditions

N.2 Development is permitted by Class N subject to the following conditions—

- (a) where there is a risk of groundwater contamination, the hard surface is not made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the institution.

Interpretation of Part 7

O. For the purposes of Part 7—

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine;

“office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order (offices);

“registered nursery” and “state-funded school” have the meanings given in paragraph X of Part 3 of this Schedule (changes of use);

“school”—

Status: This is the original version (as it was originally made).

- (a) includes a building permitted by Class C of Part 4 (temporary buildings and uses) to be used temporarily as a school, from the date the local planning authority is notified as provided in paragraph C.2(b) of Part 4;
- (b) except in Class M (extensions etc for schools), includes premises which have changed use under Class S of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery; and
- (c) includes premises which have changed use under Class T of Part 3 of this Schedule (changes of use) to become a state-funded school or registered nursery; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.