
STATUTORY INSTRUMENTS

2021 No. 814

The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2021

Amendments to Part 3 of Schedule 2

- 4.—(1) Part 3 (changes of use) of Schedule 2 is amended as follows.
(2) For Class A (restaurants, cafes or takeaways to retail), substitute—

“Class A – casino, betting office, pay day loan shop or hot food takeaway to commercial, business and service

Permitted development

A. Development consisting of a change of use of a building from a use falling within one of the following provisions of the Use Classes Order—

- (a) article 3(6)(m) (casino);
- (b) article 3(6)(n) (betting office);
- (c) article 3(6)(o) (pay day loan shop); or
- (d) article 3(6)(r) (hot food takeaway),

to a use falling within Class E (commercial, business and service) of Schedule 2 to that Order.

Conditions

A.1. Development under Class A is permitted subject to the condition that, before beginning the development, the developer provides written notification to the local planning authority of the date on which the use of the building will change.”.

- (3) For paragraph AA (permitted development) of Class AA (drinking establishments with expanded food provision) substitute—

“Permitted development

AA. Development consisting of a change of use of a building and any land within its curtilage—

- (a) from a use falling within article 3(6)(p) (public house, wine bar, or drinking establishment) of the Use Classes Order to a use falling within article 3(6)(q) (drinking establishment with expanded food provision) of that Order; or
 - (b) from a use falling within article 3(6)(q) to a use falling within article 3(6)(p).”.
- (4) Omit Class B (takeaways to restaurants and cafes).
 - (5) Omit Class C (retail, betting office or pay day loan shop or casino to restaurant or cafe).
 - (6) Omit Class D (shops to financial and professional).
 - (7) Omit Class E (financial and professional or betting office or pay day loan shop to shops).

- (8) Omit Class F (betting offices or pay day loan shops to financial and professional).
- (9) In Class G (retail or betting office or pay day loan shop to mixed use)—
- (a) in the heading, for “retail” substitute “commercial, business and service”;
 - (b) in paragraph G (permitted development)—
 - (i) for sub-paragraph (a), substitute—
 - “(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;”;
 - (ii) omit sub-paragraph (b);
 - (iii) for sub-paragraph (c), substitute—
 - “(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;”;
 - (iv) omit sub-paragraph (d);
 - (v) in sub-paragraph (e), for “as a betting office or a pay day loan shop”, in both places it occurs, substitute “falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order”;
 - (c) in paragraph G.1 (conditions)—
 - (i) in sub-paragraph (a), for the words from “as a betting office” to “of the Schedule to” substitute—
 - “for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to,”;
 - (ii) at the end of sub-paragraph (c), insert—
 - “;
 - (d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
 - (i) contamination risks in relation to the building;
 - (ii) flooding risks in relation to the building;
 - (iii) impacts of noise from commercial premises on the intended occupiers of the development;
 - (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (v) arrangements required for the storage and management of domestic waste.”.
- (10) In Class H (mixed use to retail)—
- (a) in the heading, for “retail” substitute “commercial, business and service or betting office or pay day loan shop”;
 - (b) in paragraph H (permitted development)—
 - (i) for sub-paragraph (a), substitute—
 - “(a) from a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order and as up to 2 flats, to a use for any purpose within that Class;”;

- (ii) omit sub-paragraph (b);
 - (iii) for sub-paragraph (c), substitute—
 - “(c) from a mixed use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats, to use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order;”;
 - (iv) omit sub-paragraph (d);
 - (v) in sub-paragraph (e), for “as a betting office or a pay day loan shop”, in both places it occurs, substitute “within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order”;
- (c) for paragraph H.1 (development not permitted), substitute—

“Development not permitted

H.1. Development is not permitted by Class H unless each part of the building used as a flat was, immediately prior to being so used, used for any purpose within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order.”

- (11) For Class I (industrial and general business conversions), substitute—

“Class I – industrial conversions

Permitted development

I. Development consisting of a change of use of a building from any use falling within Class B2 (general industrial) of Schedule 1 to the Use Classes Order, to a use for any purpose falling within Class B8 (storage or distribution) of that Schedule.

Development not permitted

I.1. Development is not permitted by Class I if the change of use relates to more than 500 square metres of floor space in the building.”

- (12) Omit Class J (retail or betting office or pay day loan shop to assembly and leisure).
- (13) Omit Class JA (retail, takeaway, betting office, pay day loan shop and launderette uses to offices).
- (14) Omit Class K (casinos to assembly and leisure).
- (15) In Class M—
 - (a) for the heading, substitute “certain uses to dwellinghouses”;
 - (b) for paragraph M (permitted development), substitute—

“Permitted development

M. Development consisting of—

- (a) a change of use of a building from—
 - (i) a use falling within one of the following—
 - (aa) launderette;
 - (bb) betting office;

- (cc) pay day loan shop;
 - (dd) hot food takeaway; or
 - (ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise); to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or
- (b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).”;
- (c) in paragraph M.1 (development not permitted), omit sub-paragraph (b);
- (d) in sub-paragraph (1)(d) of paragraph M.2 (conditions)—
 - (i) for sub-paragraph (i) substitute—
 - “(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,”;
 - (ii) omit sub-paragraph (ii).
- (16) In Class MA (commercial, business and service uses to dwellinghouses)—
 - (a) in paragraph MA.2 (conditions)—
 - (i) in sub-paragraph (2)—
 - (aa) at the end of paragraph (g), omit “and”;
 - (bb) at the end of paragraph (h), insert—
 - “; and
 - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”;
 - (ii) in sub-paragraph (4), for the words “as if” to the end substitute—
 - “as if—
 - (a) for paragraph (e) of sub-paragraph (2) there were substituted—
 - “(e) where—
 - (i) sub-paragraph (6) requires the Environment Agency⁽¹⁾ to be consulted, a site-specific flood risk assessment;
 - (ii) sub-paragraph (6A) requires the Health and Safety Executive⁽²⁾ to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;
 - (b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;
 - (c) after sub-paragraph (6) there were inserted—

(1) A body established under section 1 of the Environment Act 1995 (c. 25).

(2) A body established under section 10 of the Health and Safety at Work etc. Act 1974 (c. 37). Section 10 was substituted by S.I. 2008/960.

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(b) after paragraph MA.2, insert—

“Interpretation of Class MA

MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

(a) contain two or more dwellinghouses; and

(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015(3).”.

(17) In Class R (agricultural buildings to a flexible commercial use)—

(a) for paragraph R (permitted development), substitute—

“Permitted development

R. Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order—

(a) Class B8 (storage or distribution) of Schedule 1;

(b) Class C1 (hotels) of Schedule 1; or

(c) Class E (commercial, business or service) of Schedule 2.”;

(b) in sub-paragraph (c) of paragraph R.2 (conditions), for “Class G” substitute “Class E”.

(18) In Class S (agricultural buildings to state-funded school or registered nursery)—

(a) in the heading, omit “or registered nursery”;

(b) in paragraph S (permitted development), for “or a registered nursery” substitute “falling within Class F.1(a) (provision of education) of Schedule 2 to the Use Classes Order”;

(c) in sub-paragraph (1) of paragraph S.2 (conditions)—

(i) for paragraph (a), substitute—

“(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school; and”

(ii) in paragraph (b)(v), omit “or, as the case may be, a registered nursery”.

(19) In Class T (business, hotels etc to state-funded schools or registered nursery)—

(a) for the heading, substitute “commercial, business and service, hotels etc to state-funded schools”;

(b) for paragraph T (permitted development), substitute—

“Permitted development

T. Development consisting of a change of use of a building and any land within its curtilage from a use falling within one of the following provisions of the Use Classes Order—

- (a) Class C1 (hotels) of Schedule 1;
- (b) Class C2 (residential institutions) of Schedule 1;
- (c) Class C2A (secure residential institutions) of Schedule 1; or
- (d) Class E (commercial, business or service) of Schedule 2,

to use as a state-funded school falling within Class F.1(a) of Schedule 2 to that Order.”;

- (c) in paragraph T.1 (development not permitted), omit sub-paragraph (a);
- (d) in sub-paragraph (1) of paragraph T.2 (conditions)—
 - (i) for paragraph (a), substitute—

“(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school;”.

(20) In paragraph W (procedure for applications for prior approval under Part 3)—

- (a) in sub-paragraph (2)—
 - (i) in paragraph (a), omit “C,”;
 - (ii) in paragraph (ba), after “Classes” insert “G,”;
 - (iii) in paragraph (bc), after “Classes” insert “G,”;
- (b) in sub-paragraph (3), for “M.2(1)(f),” substitute “G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(2)(f),”.

(21) In the definition of “sui generis use” in paragraph X (interpretation of Part 3), for “the Schedule” substitute “Schedule 1 or 2”.