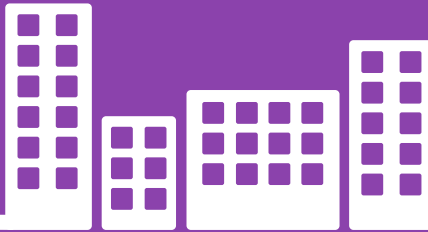


town planning

The Basics



**PERMITTED
DEVELOPMENT
& USE CLASS**



INTRODUCTION

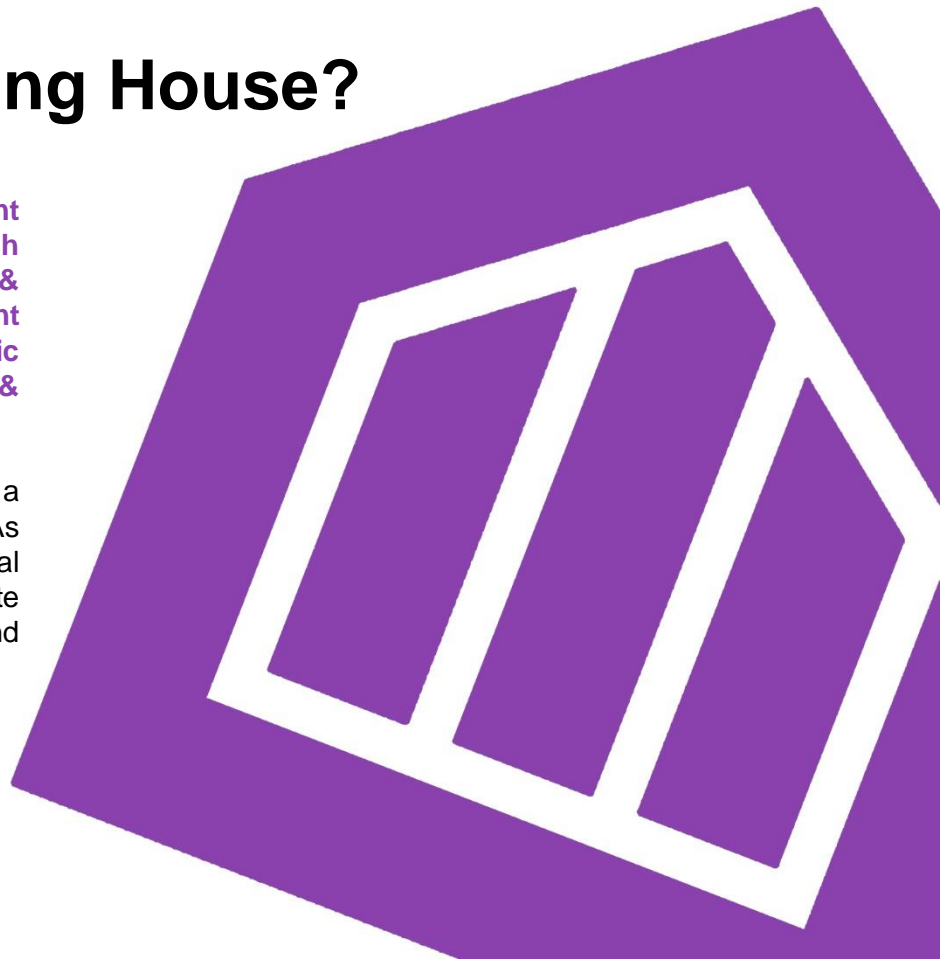
The booklet covers some of the basics relating to the English permitted development and use class system. This booklet does not cover all aspects in depth, further information can be found at www.planningportal.co.uk

A series of Town Planning “The Basics” booklets have been produced to assist non-planners with the dark art of Town Planning, these can be downloaded via www.planninghouse.co.uk

Who are Planning House?

Planning House is an independent town planning consultancy which offers a professional & knowledgeable service to meet client needs, we embrace a pragmatic approach by providing realistic & tailored town planning advice.

Headed by Chris Pipe who is a Gamekeeper turned poacher. As former Head of Planning for a Local Authority she knows how to navigate the planning system efficiently and effectively.





WHAT ARE **PERMITTED** **DEVELOPMENT** **RIGHTS?**

If you're looking to extend or improve your home or change the use of a building it pays to understand the scope of permitted development rights.

For certain types of work there are “permitted development rights”, where general planning permission is given. Naturally, these rights are subject to conditions and limitations which can vary depending on where you are what your development is. For instance, conservation areas have stricter permitted development rights, similar to areas of outstanding natural beauty.

BE AWARE: Even if your development does not need planning permission, you still may be liable to pay a Community Infrastructure Levy, see our eBook **‘Town Planning, The Basics...CIL & s106’**.

How do you know if your project will need planning permission or not?

It is strongly advised you contact your local planning authority as they will be able to inform you on whether development may or may not be permitted or if you need planning permission. Going ahead with a project that may need planning permission without contacting the Council could lead to an unauthorised development and potential enforcement action.



HOUSEHOLDER PERMITTED DEVELOPMENT RIGHTS

There are a whole host of improvements you can make to your home. Some changes can be made without planning permission, however knowing all of the various conditions that may apply can be tricky. The table below is a guide and should be read in conjunction with the relevant legislation.

Development	Conditions
Conservatory/Single-Storey Extension	<p>A single storey extension can be permitted development provided that:</p> <ul style="list-style-type: none">• It does not extend beyond any side or principal elevation of the original house which fronts a highway;• It does not exceed 50% of the total area of land around the original house;• It does not have a width that exceeds half that of the original house applies for side extensions;• The extension does not project further than 3.5 metres to the rear for terraced and semi-detached properties and 4 metres for detached properties;• Does not have a height over 4 metres;• The eaves height should be no higher than the eaves of the existing house, and should have a maximum eaves height of 3 metres is within 2 metres of the boundary;• The material of the exterior of the extension must be similar in appearance to the material of the exterior of the original house; <p><i>There is provision for larger single storey extensions of up to 6 metres for terraced or semi-detached properties and 8 metres for detached properties subject to prior approval.</i></p>
Two-Storey Extension	<p>Two-storey extensions have similar criteria to single storey extension and are typically permitted development provided that:</p> <ul style="list-style-type: none">• They do not extend more than 3 metres from the rear wall of the original house;• They are within 7 metres of any boundary of the curtilage of the house being enlarged which is opposite the rear wall of that house;
Alterations to the roof	<p>Roof extensions are typically permitted development provided that:</p> <ul style="list-style-type: none">• They are not on designated land (e.g. conservation areas or national parks);• Additional roof space does not exceed 40 cubic metres if terrace house or 50 cubic metres if a semi-detached or detached;• No part of the extension is higher than the ridge of the existing roof;• The extension is not beyond the plane of the existing roof slope of the principal elevation that fronts a highway;• There are no balconies or verandas;• Roof extensions are at least 20cm back from the eaves and must not extend beyond the outside wall;• Roof lights must not protrude more than 15cms from the plain of the roof.

Development	Conditions
Porches	<p>Porches are typically permitted development provided that:</p> <ul style="list-style-type: none"> • The ground area does not exceed three square metres; • The highest part of porch does not exceed three metres; • No part of the porch is within two metres of any boundary that fronts a highway.
Outbuildings (incidental to the house, i.e. swimming pool, garage, gym, store room etc)	<p>An outbuilding is typically permitted development provided that:</p> <ul style="list-style-type: none"> • It is not forward of the principal elevation of the house; • It is not between the side of a building and the boundary in designated land (i.e. conservation area etc); • It is not within the grounds of a listed building; • It does not exceed 50% of the total area of land around the original garden • Has a maximum eaves height of 2.5 metres and overall height of 4 metres for a dual pitched roof and 3 metres for non-duelled roof • If the outbuilding is within two metres of the property boundary it should have a maximum overall height of 2.5 metres
Fences, Gates and Garden Walls	<p>You will need to apply for planning permission if you wish to erect or add to a fence, wall or gate if:</p> <ul style="list-style-type: none"> • It would be over 2 metres high or 1 metre high if next to a highway used by vehicles; • The fence, wall or gate, or any other boundary involved, forms a boundary with a listed building or its curtilage.
Construction of additional storey - <i>subject to prior approval</i>	<p>You will need to apply for planning permission if you wish to add an additional storey onto your property if:</p> <ul style="list-style-type: none"> • The dwelling was constructed before 1st July 1948 or after 28th October 2018; • The additional storey is constructed other than on the principal part of the dwelling; • It contains windows in wall/roof slope of side elevation in additional storeys and does not follow the roof pitch of the existing dwelling; • The height of the highest part of the roof of the existing dwelling by more than 3.5 metres, where the existing dwelling consists of one storey; or 7 metres, where the existing dwelling consists of more than one storey. (Existing accommodation in the roof space of the existing house, including a loft extension, is not considered as a storey); • The newly extended house exceeds 18 metres; • If not detached, the highest part of the roof would exceed 3.5m higher than the next tallest terrace or if semi-detached the building it shares a party wall with. • Please note: there are many variables which depend on whether you're building above a residential space or a commercial / mixed-use property. The type of your property will also affect your options, as will your intentions for the space.



REMEMBER: Even if you think your proposal may not need planning permission it is recommended that you check with your local Council before starting any work.



REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

The local planning authority can remove some of your permitted development rights by issuing an 'Article 4' Direction. This will mean that you have to submit a planning application for work which normally does not need one.

Article 4 Directions are made when the character of an area of acknowledged importance would be threatened. It is likely this will occur in conservation areas.

It is worth checking with the local planning authority if you are not sure what permitted development rights you have.

It is worth checking with the local planning authority if you are not sure what conditions are attached to the building you are working on.

REMEMBER: If an Article 4 Direction is in place or a condition restricts development, this does not necessarily mean you will not be able to progress your project, however you will need to go through the planning application process. The application will be assessed against the development plan and other material planning considerations.

FAST TRACK CONVERSIONS


Have you ever looked at a barn or building in the countryside and thought that would make an amazing home, then thought about the hoops you would have to jump through to actually secure permission to convert it? Well think again!

In some instances you don't need planning permission to convert a building into residential use. Under Part 3 of the Town and Country Planning (General Permitted Development Order) England, GPDO for short there are a multitude of uses (retail, launderette, betting shop, offices, amusement arcade, casino, storage or distribution centres, agricultural buildings, etc.) which can be converted to residential as 'Permitted Development' without planning permission.

Naturally, there are a range of exclusions and limitations which apply to these permitted development rights, and each use proposed to be changed has a different set of conditions which must be adhered to.

The 'green light' given to convert specific uses to residential has seen an increase in growth of conversions, particularly agricultural buildings in the countryside. With the Government encouraging the creation of more housing, permitted development rights have recently been increased.





Permitted development rights now allows a maximum of 5 new houses to be created from existing agricultural buildings on a farm. Previously this was restricted to 3 properties.

The amendments which came into force in April 2018 permit the development of:

- up to three larger homes within a maximum of 465 square metres; or
- up to five smaller homes each no larger than 100 square metres; or
- a mix of both, within a total of no more than five homes, of which no more than three may be larger homes.

If you believe your agricultural conversion may be permitted development you will still need to contact your local planning authority and embark on a prior approval process. Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. In effect a 'light-touch' planning application.

Also, be aware that development carried out using permitted development rights can still be liable to pay a Community Infrastructure Levy (CIL), if there is a community levy in place and if the development does not qualify for an exemption.

As well as the potential to create your dream home in the countryside (or maximise land and development value), there are many ways to circumvent the need for planning permission for extensions, alterations, change of use, temporary buildings and uses etc. However, interpreting the regulations which set out what can and can't be done via permitted development rights can be daunting so if in doubt ask an expert.



PRIOR APPROVAL PROCESS

Before starting your project you may require prior approval from your local planning authority.

Whilst you may not need planning permission for certain developments, you may need prior approval. What you need approval for will depend on what you are building, this is explained in detail in Schedule 2 to the General Permitted Development Order.

The prior approval process is a 'lighter' touch process than a planning application.

Be aware you can only go through the prior approval process **BEFORE** you start any works. Once works have started you lose the chance to use this simplified process.

PRIOR APPROVAL TIMESCALE

When a local planning authority receives an application for prior approval, they have 56 days to make a decision and notify the applicant of said decision whether approval is needed and if so given.

If the local planning authority does not notify the applicant of their decision within the 56 days and **IMPORTANTLY** the proposal meets the criteria in the General Permitted Development Order Regulations you can go ahead with the development.



On 21st July 2020 the Government published The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into force on 1st September 2020.

This was a radical change where some classes were consolidated into the same use class, as shown on the table below. Movement between uses within the same use class does not require planning permission EXCEPT for uses within the Sui Generis category.

Transitional arrangements for PD rights apply to the pre-August Use Class which is explained in the tables on the following pages.

Use/Use Class	Up to Aug 2020	From Sept 2020
Shop	A1	E
Shop ≤ 280sqm mostly selling essential goods, inc. food & ≥ 1km from similar shop	A1	F2
Financial & professional services (not medical)	A2	E
Café / restaurant	A3	E
Pub or drinking establishment	A4	Sui Generis
Takeaway	A5	Sui Generis
Office other than A2	B1a	E
Research & Development	B1b	E
Light industry – appropriate in a residential area	B1c	E
Industrial	B2	B2

USE CLASS

Changes

Use/Use Class	Up to Aug 2020	From Sept 2020
Hotels, boarding & guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwellinghouses	C3	C3
Use of a dwellinghouse by 3-6 non-related occupants (HMO)	C4	C4
Clinics, health centre, creche, day nursery, day centre	D1	E
Schools, non-residential education & training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F1
Cinemas, concert halls, bingo halls & dance halls	D2	Sui Generis
Gymnasiums, indoor recreations not motorised vehicles or firearms	D2	E
Indoor / outdoor swimming baths, skating rinks, outdoor sports or recreations (excl motorised vehicles or firearms)	D2	F2

USE CLASS ORDER

The Use Class Order (Town and Country Planning (Use Classes) Order 1987)(as amended), categorises uses of lands and buildings. To change the use of a building may require planning permission, however there are permitted changes of use that can be made without planning permission, under Part 3 of the General Permitted Development Order.

You should always check that a use falls within a use class before applying permitted development rights (PD rights)

Use Class	Description	Permitted Change
E Shops, restaurants, financial and professional services, indoor sport, recreation or fitness, not involving motorised vehicles or firearms, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment	E (a)Shops Formerly A1 -Display or retail sale of goods, other than hot food Such as Shops, Post Offices, Funeral Directors, Internet Cafes, Hairdressers, Travel and Ticket Agencies, Showrooms, Dry Cleaners	<u>PD rights relating to former A1 up to 31 July 2021</u> <ul style="list-style-type: none"> • A mixed use A1 or A2 & up to 2 flats (Class G) • Temporary permitted change (2 years) to A2, A3, B1 up to 150m² (interchangeable with notification) (Class D) • Permitted change of A1 or mixed A1 and dwellinghouse to C3 up to 150m² subject to prior approval (Class M) (must submit application on or before 31/07/2021) • A2 (Class D) • A3 up to 150m² subject to prior approval (Class C) • D2 up to 200m² subject to prior approval (Class J) • B1(a) up to 500m² subject to prior approval (Class JA) <p>***NOTE: PD rights from 1 August 2021 applies to all class E</p> <ul style="list-style-type: none"> • C3 maximum floor space of 1,500m² – subject to prior approval (Class MA)***
	E (b) Restaurants & Cafes – Formerly A3 Sale of food and drink for consumption (mostly) on the premises	<u>PD rights relating to former A3 up to 31 July 2021</u> <ul style="list-style-type: none"> • A1 or A2 (Class A) • Temporary permitted change (2 years) to A1, A2, B1 up to 150m² (interchangeable with notification) (Class D)

Use Class	Description	Permitted Change
E	<p>E (c) Professional & Financial Services Formerly A2 – Provision of:</p> <ul style="list-style-type: none"> • E (c) (i) Financial services, • E (c) (ii) Professional services (other than health or medical services), or • E (c) (iii) Other appropriate services in a commercial, business or service locality <p>Such as Banks/Financial Services, Estate Agencies, but excluding betting offices or pay day loan shops</p>	<p><u>PD rights relating to former A2 up to 31 July 2021</u></p> <ul style="list-style-type: none"> • A1 where there is a display window at ground floor level (Class E) • A mixed use for any purpose within A2 and up to 2 flats (Class H) to A1 and up to 2 flats, where there is a display window at ground floor level (Class G) • Temporary permitted change (2 years) to A1, A3, B1 (interchangeable with notification) (Class D) • from A2 or mixed A2 and dwellinghouse to C3 up to 150m² subject to prior approval (Class M) • Permitted change to A3 up to 150m² subject to prior approval (Class C) • Permitted change to D2 subject to prior approval (Class J) • B1(a) up to 500m² subject to prior approval (Class JA)
E	<p>E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)</p> <p>Formerly Part of D2</p>	<p><u>PD rights relating to former D2 up to 31 July 2021</u></p> <ul style="list-style-type: none"> • Temporary permitted change (2 years) to A1,A2,A3,B1 up to 150m² (interchangeable with notification) (Class D) • To state-funded school or registered nursery (& return to previous lawful use) subject to prior approval (Class T)
E	<p>E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)</p> <p>E(f) Creche, day nursery or day centre (not including a residential use) Formerly part of D1</p>	<p><u>PD rights relating to former D1 up to 31 July 2021</u></p> <ul style="list-style-type: none"> • Temporary permitted change (2 years) to A1,A2,A3,B1 up to 150m² (interchangeable with notification) (Class D)
E	<p>E(g) Offices Formerly B1 Uses which can be carried out in a residential area without detriment to its amenity:</p> <ul style="list-style-type: none"> • E(g)(i) Offices to carry out any operational or administrative functions, • E(g)(ii) Research and development of products or processes • E(g)(iii) Industrial processes 	<ul style="list-style-type: none"> • B8 up to 500m² (Class I) • B1 office permitted change to C3 subject to prior approval (Class O) • Temporary permitted change (2 years) to A1,A2,A3 up to 150m² (interchangeable with notification) (Class D) • Permitted change to state-funded school or registered nursery (& return to previous lawful use) subject to prior approval (Class T) • B1 light industrial to C3 up to 500m² subject to prior approval (Class PA)

Use Class	Description	Permitted Change
F1 Learning & non-residential institutions	<p>F1(a) Provision of education</p> <p>F1(b) Display of works of art (otherwise than for sale or hire)</p> <p>F1(c) Museums</p> <p>F1(d) Public libraries or public reading rooms</p> <p>F1(e) Public halls or exhibition halls</p> <p>F1(f) Public worship or religious instruction (or in connection with such use)</p> <p>F1(g) Law courts</p> <p>D1 – Non-residential institutions (part) Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law court</p>	<p><u>PD rights relating to former D1 up to 31 July 2021</u></p> <p>Temporary permitted change (2 years) to A1,A2,A3,B1 up to 150m² (interchangeable with notification) (Class D)</p>
F2 Local Community Uses	<p>Former A1 (part) & D2</p> <p>F2(a) Shops (mostly) selling essential goods, including food, where the shop’s premises do not exceed 280 square metres & there is no other such facility within 1000 metres</p> <p>F2(b) Halls or meeting places for the principal use of the local community</p> <p>F2(c) Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)</p> <p>F2(d) Indoor or outdoor swimming pools or skating rinks</p>	<p><u>PD rights relating to former D2 up to 31 July 2021</u></p> <ul style="list-style-type: none"> • Temporary permitted change (2 years) to A1,A2,A3,B1 up to 150m² (interchangeable with notification) (Class D) • To state-funded school or registered nursery (& return to previous lawful use) subject to prior approval (Class T) <p><u>PD rights relating to former A1 up to 31 July 2021 above apply</u></p>

Use Class	Description	Permitted Change
B2 General Industry	Use for any industrial process, other than that falling within B1	<ul style="list-style-type: none"> B1 and B8 (B8 permitted up to 500m²) (Class I)
B8 Storage or Distribution	Storage or Distribution, including open air storage	<ul style="list-style-type: none"> B1 up to 500m² (Class I) C3 subject to prior approval application (Class P)
C1 Hotels	Hotels, guest houses, where no significant element of care is provided	<ul style="list-style-type: none"> To state-funded school or registered nursery (& return to previous lawful use) subject to prior approval (Class T)
C2 Residential Institutions	Residential care homes, hospitals, nursing homes, residential colleges, boarding schools and training centres	<ul style="list-style-type: none"> To state-funded school or registered nursery (& return to previous lawful use) subject to prior approval (Class T)
C2a Secure Residential Institutions	Secure residential – prisons, detention centres, military barracks, secure hospitals, short term holding centres	<ul style="list-style-type: none"> To state-funded school or registered nursery (& return to previous lawful use) subject to prior approval (Class T)
C3 Dwelling houses	(a) House occupied by a single person, couple or family, including domestic employees or carer, (b) up to 6 living as a single household and receiving care i.e. supported housing scheme, (c) up to 6 living as a single household that do not fit into C4	<ul style="list-style-type: none"> C4 (Class L)
C4 Houses in multiple occupation HMO	Shared houses occupied by between 3 and 6 unrelated individuals as their only or main residence - basic shared amenities	<ul style="list-style-type: none"> C3 (Class L)

Use Class	Description	Permitted change
SUI GENERIS	<p>Includes theatres, large HMO (more than 6 people sharing), hostels, petrol filling stations, shops selling and/or displaying motor vehicles, scrap yards, retail warehouse clubs, nightclubs, launderettes, taxi or vehicle hire businesses, amusement centres, casinos, funfairs, waste disposal installations, betting office, pay day loan shop,</p> <p>Former A4 - Public Houses and other drinking established excluding nightclubs</p> <p>Former A5 - Establishments where the primary purpose is the sale of hot food for consumption off the premises</p> <p>Cinemas, concert halls, bingo halls & dance halls (part D2)</p>	<ul style="list-style-type: none"> Casino to A3 subject to prior approval (Class C) Casino to D2 (Class K) Amusement centre or casino to C3 subject to prior approval (Class N) Betting office or pay day loan shop to A1,A2,A3,D2 subject to prior approval (Class E, F, C, J) Betting office or pay day loan shop to mixed use A1 and up to two flats (if a display window at ground floor level), or mixed A2 and up to two flats, or mixed use betting office or pay day loan shop and up to two flats (Class G) Betting office, pay day loan shop or launderette (or & with dwellinghouse) to C3 subject to prior approval (Class M) Mixed use betting office and up to two flats to A1 (if a display window at ground floor level), A2 or betting office (Class H) Temporary permitted change (2 years) to A1,A2,A3,B1 up to 150m² (interchangeable with notification) (Class D) <p><u>PD rights relating to former A4 up to 31 July 2021</u></p> <ul style="list-style-type: none"> Permitted change to or from a use falling “within Class A4 with a use falling within Class A3” (“drinking establishments with expanded food provision”) (Class AA) <p><u>PD rights relating to former A5 up to 31 July 2021</u></p> <ul style="list-style-type: none"> A1, A2 (Class A) or A3 (Class B) Temporary permitted change (2 years) to A1, A2, A3, B1 (interchangeable with notification) (Class D)
OTHER	Agricultural Buildings	<ul style="list-style-type: none"> C3 subject to prior approval (Class Q) Flexible changes to A1, A2, A3, B1, B8, C1, D2 subject to prior approval process (Class R) To state-funded school or registered nursery subject to prior approval (Class S)

FREQUENTLY ASKED QUESTIONS

Q: Will my home benefit from permitted development rights?

A: Most likely yes, however there can be restrictions in place. Check with your local planning authority before starting any works.

Q: How big can I build an extension under permitted development rights?

A: It depends on the proposal and where it is on the building. There are very specific criteria for extensions, the planning portal has an interactive house which is useful as a basic guide (<https://interactive.planningportal.co.uk/>). A prior approval process may be required.

Q: Can I convert a non-domestic building into a home?

A: Potentially yes, depending on the specifics there is scope to convert offices, barns and other agricultural buildings into homes.

Q: What happens if my proposal does not fall within permitted development criteria?

A: You will need planning permission for your development. It doesn't mean you can not build it but merely go through the planning application process and the proposal will be decided on its merits.

If you need help find a Town Planning Consultant to advise and support you through the process.

There are other **Town Planning...The Basics** booklets available to download at www.planninghouse.co.uk





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