

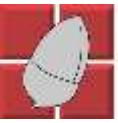
# Guide to changes to the use classes order in England

Use	Use Class up to 31 <sup>st</sup> August 2020	Use Class from 1 <sup>st</sup> September 2020
Shop no more than 280 sq m mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2
Shop	A1	E
Financial and professional services (not medical)	A2	E
Café or restaurant	A3	E
Pub or drinking establishment	A4	Sui generis
Take away	A5	Sui generis
Office other than a use within Class A2	B1a	E
Research and development of products or processes	B1b	E
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E
Industrial	B2	B2
Storage or distribution	B8	B8

Use	Use Class up to 31 <sup>st</sup> August 2020	Use Class from 1 <sup>st</sup> September 2020
Hotels, boarding and guest houses	C1	C1
Residential institutions	C2	C2
Secure residential institutions	C2a	C2a
Dwelling houses	C3	C3
Use of a dwelling house by 3-6 residents as a 'house in multiple occupation'	C4	C4
Clinics, health centres, crèches, day nurseries, day centre	D1	E
Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Cinemas, concert halls, bingo halls, and dance halls	D2	Sui generis
Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Hall or meeting place for the principal use of the community	D2	F.2
Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1st September 2020 will remain relevant for certain change of use permitted development rights, until 31st July 2021.

New classes consist of: ■ Class E (Commercial, business and service uses) ■ Class F.1 (Learning and non-residential institutions) ■ Class F.2 (Local community uses) ■ Sui generis (In a use class of its own)



**The Government on 21st July 2020 published The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which will come into force on 1st September 2020. There will be, though, a transitional period that lasts until 31 July 2021. During that transitional period, the changes to the Use Classes Order will not be applied to the General Permitted Development Order. In other words, the GPDO will operate until the end of next July as if the Use Classes Order had not been modified.**

Amongst the overhaul is the creation three new Use Classes which follow the Housing Secretary's announcement earlier in the month:

- Use Class E: Commercial, Business and Service
- Use Class F1: Learning and Non-Learning Institutions
- Use Class F2: Local Community Uses

The purpose of the Use Classes Order is to allow those uses in the same Class to be changed without the need for planning consent.

#### **Use Class E**

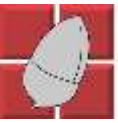
In short, this Use Class brings together/subsumes existing classes A1(shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single "Class" to allow for changes of use without the need of planning permission.

#### **Use Class F1**

This Use Class brings together the following non-residential uses: a) provision of education; b) display of works of art (otherwise than for sale or hire); c) museum; d) public library or public reading room; e) public hall or exhibition hall; f) public worship or religious institution; and g) law court.

This therefore subsumes those Class D1 uses which relate to education and culture or, have civic functions. All other uses that are currently in Class D1 will form part of the new Use Class E in the future.

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## Use Class F2

This Use Class brings together local community uses which include: a) a shop mostly selling essential goods, including food, to visiting members of the public (in circumstances where the shop's premises cover an area no more than 280sqm, and there is no other such facility within 1,000 metres radius of the shop's location); b) a hall or meeting place for the principal use of the local community; c) an area or place for outdoor sport or recreation (not involving motorised vehicles or firearms); and d) indoor or outdoor swimming pool or skating rink.

This therefore subsumes certain uses which currently fall within Use Class D2: Assembly and Leisure, with the remainder to form part of the new Use Class E (such as gyms and indoor recreational facilities) or to be classified as Sui Generis (such as cinemas, bingo halls and concert halls).

## Implications

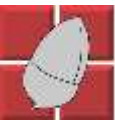
Our view is that the introduction of Use Class E is going to have significant consequences in a number of areas but notably for town centres and not necessarily just those that the Government are envisaging. Whilst the intention is obviously to promote the diversification of town centres by allowing absolute flexibility of use between Use Classes A1-A3, B1, D1 and D2 (something which is long overdue), the reality is that Use Class E is conversely also going to make it easier to deliver 'out-of-centre' retail and leisure development.

Buildings often found outside centres such as offices, gyms, light industrial units and even health centres will now fall within Use Class E and, provided there are no restrictive conditions to the contrary, could be converted into (for example) a foodstore or other intensive retail use without the need for express planning permission. This potential increase in out of centre development appears to run counter to the Government's stated objective of stimulating the recovery of the high street.

Whilst admittedly most retailers will not hold a desire to convert a light industrial unit directly into retail floorspace for corporate and branding reasons, it now appears that it will be possible to present this in planning terms as an entirely credible option and the 'fall-back' position if permission was to be refused for a replacement, purpose built retail unit of the same size on the same site. If the Regulations come into force as drafted then such a scenario raises serious questions about the future effectiveness of the Government's longstanding town centre protection policies (the retail impact and sequential tests).

This could well be a calculated risk on the Government's part, in that the continued reduction in demand for new retail floorspace (vs an already substantial supply) means that most retailers will not be focussed on expansion over the coming years – whether in or out-of-centre. A modest increase in out-of-centre retail units may therefore be regarded by the Government as a price worth paying to finally equip our town centres with the planning tools needed to diversify rapidly in response to changes in the dynamic retail, leisure and business sectors.

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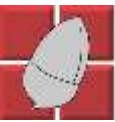
## Summary

The new Use Classes will be brought into effect from 1st September 2020 however there will be a transitional period that lasts until 21 July 2021 whereby the changes will not be applied to the General Permitted Development Order. The purpose of the new Use Classes the Government states is to “better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands...this is particularly important at the present time as town centres seek to recover from the economic impact of Coronavirus”. The full new Use Class Order can be accessed via the following link <https://www.legislation.gov.uk/uksi/2020/757/contents/made>

## Our summary of changes to the Class Order Schedule

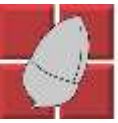
Uses (description)	Uses (current Class)	Use new class (From 1 September 2020)
Shops Retail warehouse Hairdressers Undertakers Travel and Ticket Agencies Post Offices Pet Shops Sandwich Bars Showrooms Domestic Hire Shops Dry Cleaners Funeral Directors Internet Cafes	A1 (shops)	Class E: Commercial Business and Service
Financial services such as banks and building societies		
Professional services such as estate and employment agencies (excluding health and medical services)	A2 (Professional and Financial Services)	
Sale of food and drink for consumption on site	A3 (Restaurants and Cafes)	
Cafes Restaurant Snack Bars Pub or drinking establishment	A4 (Drinking Establishments)	Sui Generis

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Takeaway	A5 (Hot Food Takeaways)	Sui Generis
Offices Light industry appropriate in a residential area	B1 (Business)	Class E: Commercial Business and Service
Clinics Health Centres Creches Day Nurseries Day Centres	D1: Non-residential institutions	Class E: Commercial Business and Service
Schools Art Galleries (other than for sale or hire) Museums Libraries Halls Places of Worship Church Halls Law Court	D1: Non-residential institutions	F1: Learning and Non-Learning Institutions
Cinemas Music and Concert Halls Bingo Halls Dance Halls (not nightclubs)	D2: Assembly and Leisure	Sui Generis
Gymnasiums Indoor sports and recreation (except for motorsports, or where firearms are used)	D2: Assembly and Leisure	Class E: Commercial Business and Service
Hall or meeting place for the principle use of the local community Swimming Pools (indoor or outdoor) Skating Rinks Outdoor sports and recreation (except for motorsports, or where firearms are used)	D2: Assembly and Leisure	F2: Local Community Uses
Shops (not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop)	A1 (shops)	

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### Use Classes Orders with No Change

Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).	B2 (General Industrial)	B2 (General Industrial)
Storage and Distribution Centres (inc. open air storage)	B8 (Storage and Distribution)	B8 (Storage and Distribution)
Hotels, boarding and guest houses (where no significant element of care is provided)	C1 (Hotels)	C1 (Hotels)
Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes	C2 (Residential Institutions)	C2 (Residential Institutions)
Single person, or family houses.	C3 (Dwelling houses)	C3 (Dwelling houses)
Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom	C4 (Small Houses in Multiple Occupation)	C4 (Small Houses in Multiple Occupation)