



Permitted Development and the Use Classes Order 2021

<https://www.legislation.gov.uk/uksi/2015/596/contents>

Permitted Development

Permitted Development (or Permitted Development Rights) is a complex area of planning law. It allows several types of changes to land and property to be implemented without the need for planning permission. It is useful to be aware of this, although generally there is not an opportunity to comment on these proposals.

The Town and Country Planning (General Permitted Development) (England) Order 2015 defines classes of development, which would not require permission (but might need Building Regulation approval). The following are the ones you are most likely to come across:

- domestic extensions (subject to size limits, added to the original)
- porches; incidental structures (sheds, greenhouses etc.) subject to area limit
- changing doors and windows
- fences and gates – permitted up to 1m high adjacent to highways and up to 2m everywhere else
- domestic and industrial hard standing
- various temporary uses of open land (up to 14 or 28 days per year) including car boot sales
- plant and machinery on an industrial site
- certain development by public utilities
- demolition (not in a conservation area or of listed building) - but a 'prior notification' procedure applies
- road improvement within the existing highway boundary, and on immediately adjacent land
- change of use between some classes permitted by the Use Classes Order 1987.

There are tighter restrictions on some of the above PD rights in National Parks, AONB's, Conservation Areas (referred to as Article 2(3) land) and within the curtilage of listed buildings.

The Government has published a useful guide to permitted development for householders and this can be found [here](#)

'Article 4 Directions', initiated by the LPA, can withdraw PD rights, eg in conservation areas or other special cases.

There are several types of permitted development that are subject to a 'prior approval' process from the LPA. These arrangements vary from time to time, but the most common ones you are likely to come across are –

- larger extensions to the rear of private dwellings (Currently 6m for terraced and semi-detached houses and 8m for detached houses).
- agricultural buildings and operations (PD up to 465 sqm every 2 years in most cases, depending on size of holding).
- conversion of agricultural buildings to residential (up to 5 residential units).
- conversion of shops to residential.
- telecom masts (PD up to 15m high + aerials) by 'code system operators'; mast sharing is encouraged. Refer to the Society policy on this.

LPAs are not required to consult the public on prior approval applications, but in some cases they are required to consult the immediate neighbours.

Otherwise, the LPA cannot intervene in PD, although they may issue Lawful Development Certificates, which confirm in writing that a development is considered by the LPA to be permitted development.

Statutory Undertakers, such as Gas, Electricity, Water Utilities, have many PD rights, but in certain cases (eg a telecom mast or a replacement electricity line) the LPA has the right to consider whether there would be a significant environmental effect: if not agreed, the Utility must apply to the Secretary of State.

Some changes to land and property are not classed as development, including:

- interior alterations to a building (except for listed building applications and in relation to some changes of use)
- work on a building which does not materially affect external appearance
- uses of land or existing structures within the curtilage of but incidental to a dwelling
- use of land for agriculture or forestry
- change of use within the same Use Class

Introduction to the Use Classes Order

All land that is developed is allocated a Use Class under the Use Classes Order 1987 and subsequent amendments. The broad principle is that changes of use are permitted development between uses in the same use class and changes between different use classes require planning permission. There are, of course, many exceptions to this rule.

There are a number of types of development that do not fit into any of these uses classes and are a use of their own. These are categorised as 'sui generis' uses. Changes of use to or from sui generis uses always require an application for planning permission.

The most recent changes to the Use Classes Order were made in 2021 when new use classes E and F replaced old use classed A1-A5 and B1.

New Use Classes – following updates on 1 September 2020 and 1 August 2021

Class B

- **B2 General industrial** - Use for industrial process other than one falling within class E(g) (*previously class B1*) (excluding incineration purposes, chemical treatment or landfill or hazardous waste)
- **B8 Storage or distribution** - This class includes open air storage.

Class C

- **C1 Hotels** - Hotels, boarding and guest houses where no significant element of care is provided (excludes hostels)
- **C2 Residential institutions** - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres
- **C2A Secure Residential Institution** - Use for a provision of secure residential accommodation, including use as a prison, young offenders' institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks
- **C3 Dwellinghouses** - This class is formed of three parts
 - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
 - C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems
 - C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger
- **C4 Houses in multiple occupation** - 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.

Class E - Commercial, Business and Service

In 11 parts, Class E more broadly covers uses previously defined in the revoked Classes A1/2/3, B1, D1(a-b) and 'indoor sport' from D2(e):

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
 - **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

- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **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

Class F - Local Community and Learning

In two main parts, Class F covers uses previously defined in the revoked classes D1, 'outdoor sport', 'swimming pools' and 'skating rinks' from D2(e), as well as newly defined local community uses.

- **F1 Learning and non-residential institutions** – Use (not including residential use) defined in 7 parts:
 - **F1(a)** Provision of education
 - **F1(b)** Display of works of art (otherwise than for sale or hire)
 - **F1(c)** Museums
 - **F1(d)** Public libraries or public reading rooms
 - **F1(e)** Public halls or exhibition halls
 - **F1(f)** Public worship or religious instruction (or in connection with such use)
 - **F1(g)** Law courts
- **F2 Local community** – Use as defined in 4 parts:
 - **F2(a)** Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
 - **F2(b)** Halls or meeting places for the principal use of the local community
 - **F2(c)** Areas or places for outdoor sport or recreation (not involving motorised vehicles or firearms)
 - **F2(d)** Indoor or outdoor swimming pools or skating rinks

Sui Generis

'Sui generis' is a Latin term that, in this context, means 'in a class of its own'.

Certain uses are specifically defined and excluded from classification by legislation, and therefore become 'sui generis'. These are:

- theatres
- amusement arcades/centres or funfairs
- launderettes
- fuel stations
- hiring, selling and/or displaying motor vehicles
- taxi businesses
- scrap yards, or a yard for the storage/distribution of minerals and/or the breaking of motor vehicles

- 'Alkali work' (any work registerable under the Alkali, etc. Works Regulation Act 1906 (as amended))
- hostels (providing no significant element of care)
- waste disposal installations for the incineration, chemical treatment or landfill of hazardous waste
- retail warehouse clubs
- nightclubs
- casinos
- betting offices/shops
- pay day loan shops
- public houses, wine bars, or drinking establishments – from 1 September 2020, previously Class A4
- drinking establishments with expanded food provision – from 1 September 2020, previously Class A4
- hot food takeaways (for the sale of hot food where consumption of that food is mostly undertaken off the premises) – from 1 September 2020, previously Class A5
- venues for live music performance – newly defined as 'Sui Generis' use from 1 September 2020
- cinemas – from 1 September 2020, previously Class D2(a)
- concert halls – from 1 September 2020, previously Class D2(b)
- bingo halls – from 1 September 2020, previously Class D2(c)
- dance halls – from 1 September 2020, previously Class D2(d)

Other uses become 'sui generis' where they fall outside the defined limits of any other use class.

For example, C4 (Houses in multiple occupation) is limited to houses with no more than six residents. Therefore, houses in multiple occupation with more than six residents become a 'sui generis' use.

Source: Planning Portal

More details are available at -

https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

There are some new limitations on the PD rights which may impact the scope of a change of use.

For example:

- New Class E buildings must have been vacant for at least 3 months before a prior approval application is submitted.
- New Class E buildings restrict the size that can be converted in one application (1,500 sq m) which may impact larger office or retail buildings.
- New Class E buildings must demonstrate that they have been in Class E (or before Class E, old Classes A1/A2/A3/B1/D1(a)/D1(b)/D2(e)) use for at least 2 years before the application.

These criteria will essentially limit the sites that can take advantage of the new PD right from Class E to residential.

Permanent changes of use

The table below, taken from the Planning Portal, summarises the permanent changes of use covered by 'permitted development' rights based on the current legislation, as amended, on 1 August 2021.

It presents a simplified overview of complex legislation and should be read as a guide only.

Summary of Permitted Changes of Use	
From	To
B2 (general industrial)	B8 (storage and distribution) up to 500m ²
C1 (hotels)	State-funded school (F1a) , subject to meeting all limitations and conditions, including Prior Approval. It may also change back to its previous use.
C2 (residential institutions) / C2A (secure residential institutions)	State-funded school (F1a) , subject to meeting all limitations and conditions, including Prior Approval. It may also change back to its previous use.
C3 (dwellinghouses)	C4 (small houses in multiple occupation)
C4 (small houses in multiple occupation)	C3 (dwellinghouses)
E (commercial, business and service)	C3 up to 1500m ² subject to meeting all limitations and conditions, including Prior Approval State-funded school (F1a) , subject to meeting all limitations and conditions, including Prior Approval. It may also change back to its previous use. A mixed use comprising any of a betting office , a pay day loan shop , E ; and up to two flats (C3) may also be permitted subject to meeting all limitations and conditions, including Prior Approval. It may also change back to its previous non-residential use.
Agricultural buildings (Sui generis)	C3 up to 5 separate dwellings, subject to meeting all limitations and conditions, including Prior Approval A flexible use within one of B8 , C1 , E up to 500m ² , subject to meeting all limitations and conditions, including Prior Approval State-funded school (F1a) up to 500m ² , subject to meeting all limitations and conditions, including Prior Approval
Amusement arcades/centres (Sui generis)	C3 up to 150m ² , subject to meeting all limitations and conditions, including Prior Approval

Betting offices (Sui generis)	C3 up to 150m ² , subject to meeting all limitations and conditions, including Prior Approval, including Prior Approval (includes those already in mixed use with C3) E (commercial, business and service) A mixed use comprising any of a betting office , a pay day loan shop, E ; and up to two flats (C3) may also be permitted subject to meeting all limitations and conditions, including Prior Approval. It may also change back to its previous non-residential use.
Casinos (Sui generis)	C3 up to 150m ² , subject to meeting all limitations and conditions, including Prior Approval E (commercial, business and service)
Hot food takeaways (Sui generis)	C3 up to 150m ² , subject to meeting all limitations and conditions, including Prior Approval E (commercial, business and service)
Launderettes (Sui generis)	C3 up to 150m ² , subject to meeting all limitations and conditions, including Prior Approval (includes those already in mixed use with C3)
Pay day loan shops (Sui generis)	C3 up to 150m ² , subject to meeting all limitations and conditions, including Prior Approval (includes those already in mixed use with C3) E (commercial, business and service) A mixed use comprising any of a betting office , a pay day loan shop, E ; and up to two flats (C3) may also be permitted subject to meeting all limitations and conditions, including Prior Approval. It may also change back to its previous non-residential use.
Public house, wine bar, or drinking establishment / Drinking establishment with expanded food provision (Sui generis)	A Public house, wine bar, or drinking establishment may change in use to or from a Drinking establishment with expanded food provision .

Source: Planning Portal [Link](#)

Change of Use from E to C3 - Commercial, business or service to residential

Commercial, business or service uses (Use Class E) are permitted to change to residential (Use Class C3).

This is subject to limitations and conditions, including the need to apply for Prior Approval based on the:

- transport impacts
- contamination and flooding risks
- impacts of noise from commercial premises on the intended occupiers of the residential use
- impact on the character or sustainability of the conservation area (if relevant)
- provision of adequate natural light for the residential use
- the impact on intended occupiers of the introduction of residential use in an area considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses (if relevant)
- impact on the adequate local provision of Nursery or Health Centre services (if relevant)
- the fire safety impacts on the intended occupants (if relevant)

[See GPDO Schedule 2, Part 3, Class MA \(as amended\)](#).

Agricultural buildings to residential

Agricultural buildings are permitted to change to a residential (Use Class C3) use. This can also include specified building operations reasonably necessary for the conversion to function as a dwellinghouse:

- the installation or replacement of:
 - windows, doors, roofs, or exterior walls, or
 - water, drainage, electricity, gas or other services
- partial demolition to the extent reasonably necessary to carry out building operations.

This is subject to meeting certain limitations and conditions, including:

- Creation of no more than five separate dwellinghouses (including any previously created under this right)
- Up to three of the five can be 'larger dwellinghouses' (floor space of 100-465m²).
- 'Larger dwellinghouses' can total no more than 465m² of floor space (including any previously created under this right) and no single dwellinghouse can exceed 465m².

This also includes the need to apply for Prior Approval based on the:

- transport and highways impacts
- noise impacts
- contamination and flooding risks
- location or siting of the building
- the design or external appearance of the building (where building operations are required)
- provision of adequate natural light for the residential use

[See GPDO Schedule 2, Part 3, Class Q \(as amended\)](#).