

Reclassification of Use Classes



Reclassification of Use Classes

The Government has made radical changes to the Town and Country Planning Use Classes Order 1987 (as amended).

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which come into force on 1 September 2020:

- create new use classes, namely Class E ("commercial, business and services" uses); Class F1 ("learning and non-residential institutions" uses); and Class F2 ("local community" uses); and
- reclassify a number of uses.

The new classes – notably Class E – are broad use classes encompassing a number of previous use classes. Movements between uses within the same use class do not require planning permission because such change does not constitute "development".

The 2020 Regulations apply only to England.

Transitional provisions

These reforms to the use classes will not apply to the General Permitted Development Order 2015 between 1 September 2020 and 31 July 2021. During this "material period", any references to the uses or use classes specified in the GPDO or article 4 directions are to be read as references to the uses classes which were specified in the Use Classes Order on 31 August 2020 (i.e. before the above changes take place).

Applications for prior approvals in the "material period" under existing PD Rights will be assessed against the current Use Classes Order.

Applications for planning permission, permission in principle or reserved matters, submitted before 1 September 2020 which refer to uses or use classes in the current Use Classes Order, must be determined by reference to those current use classes. Once implemented, however, in the absence of controls in the permission such uses may fall within the new classes for the purposes of the Use Classes Order.

Next steps

We understand that the Government intends to introduce new, revised permitted development rights at the end of the "material period" so we can expect changes to the GPDO before the end of next summer.

The Government also intends to update the planning practice guidance before 1 September 2020.

The table below summarises the reclassification of the Use Classes Order which shall come into effect on 1 September 2020.

SUMMARY OF NEW USE CLASSES IN ENGLAND FROM 1 SEPTEMBER 2020 (subject to transitional provisions¹)

Use Class up to 31 August 2020 (under the Use Classes Order)	Use Class from 1 September 2020 (under the Use Classes Order as amended by the 2020 Regulations)	Use permitted from 1 September 2020
USE CLASS A OF THE CURRENT USE CLASSES ORDER		
Class A1 (Shops)	Class E(a)	Retail sale of goods (other than hot food) to visiting members of the public
Class A2 (Financial and professional services)	Class E(c)	Provision of the following kinds of services principally to visiting members of the public: <ol style="list-style-type: none"> i. financial services, ii. professional services (other than health or medical services), or iii. any other services which it is appropriate to provide in a commercial, business or service locality
Class A3 (Restaurants and cafes)	Class E (b)	Sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

¹ Please note that, amongst other things, for the purposes of the General Permitted Development Order 2015, the previous use classes will apply during the material period (i.e. from 1 September 2020 – 31 July 2021). It is expected that the Government shall introduce new permitted development rights to come into effect at the end of the "material period" in Summer 2021.

Use Class up to 31 August 2020 (under the Use Classes Order)	Use Class from 1 September 2020 (under the Use Classes Order as amended by the 2020 Regulations)	Use permitted from 1 September 2020
Class A4 (Drinking establishments)	Sui generis	(p) as a public house, wine bar, or drinking establishment (q) as a drinking establishment with expanded food provision
Class A5 (Hot food takeaways)	Sui generis	(r) as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises
USE CLASS B OF THE CURRENT USE CLASSES ORDER		
Class B1a (Business) (a) as an office other than a use within class A2 (financial and professional services),	Class E(g)(i)	Business use for: (i) an office carry out any operational or administrative functions being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
Class B1b (Business) (b) for research and development of products or processes	Class E(g)(ii)	Business use for: (ii) the research and development of products or processes. being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
Class B1c (Business) (c) for any industrial process	Class E(g)(iii)	Business use for: (iii) any industrial process being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
Class B2 (General industrial) No change	Class B2	General industrial Use for the carrying on of an industrial process other than one falling within the uses described in Class E(g)
Class B8 (Storage and distribution) No change	Class B8	Storage or as a distribution centre
USE CLASS C OF THE CURRENT USE CLASSES ORDER		
Class C1 (Hotels) No change	Class C1	Hotel or as a boarding or guest house where, in each case, no significant element of care is provided
Class C2 (Residential institutions) No change	Class C2	Provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Hospital or nursing home. Residential school, college or training centre.
Class C2A (Secure residential institutions) No change	Class C2A	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 military barracks.
Class C3 (Dwellinghouses) No change	Class C3	Dwellinghouse (whether or not as a sole or main residence) by: (a) a single person or by people to be regarded as forming a single household; (b) not more than six residents living together as a single household where care is provided for residents; or (c) not more than six residents living together as a single

Use Class up to 31 August 2020 (under the Use Classes Order)	Use Class from 1 September 2020 (under the Use Classes Order as amended by the 2020 Regulations)	Use permitted from 1 September 2020
		household where no care is provided to residents (other than a use within class C4)
Class C4 (Houses in Multiple Occupation)	No change	Class C4 Dwellinghouse by not more than six residents as a house in multiple occupation
USE CLASS D OF THE CURRENT USE CLASSES ORDER		
Class D1 (Non-residential institutions) (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner	Class E(e)	Provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner
Class D1 (Non-residential institutions) (b) as a crèche, day nursery or day centre	Class E(f)	Creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
Class D1 (Non-residential institutions) (c) for the provision of education (d) for the display of works of art (otherwise than for sale or hire) (e) as a museum (f) as a public library or public reading room (g) as a public hall or exhibition hall (h) for, or in connection with, public worship or religious instruction (i) as a law court	Class F.1 (a) – (g)	Any use not including residential use: (a) for the provision of education, (b) for the display of works of art (otherwise than for sale or hire), (c) as a museum, (d) as a public library or public reading room, (e) as a public hall or exhibition hall, (f) for, or in connection with, public worship or religious instruction, (g) as a law court
Class D2 (Assembly and leisure) (a) a cinema, (b) a concert hall (c) a bingo hall (d) a dance hall	Sui generis	(t) a cinema, (u) a concert hall, (v) a bingo hall, (x) a dance hall
Class D2 (Assembly and leisure) (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms	Class E(d)	(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public
	Classes F.2 (c) and (d)	(c) an area or place for outdoor sport or recreation, not involving motorised vehicle or firearms, (d) an indoor or outdoor swimming pool or skating rink

Use Class up to 31 August 2020
(under the Use Classes Order)

Use Class from 1 September 2020
(under the Use Classes Order as amended by the 2020 Regulations)

Use permitted from 1 September 2020

NEW USE CLASS E

N/A	Use Class E (Commercial, business and service)	<p>Use, or part use, for all or any of the following purposes—</p> <ul style="list-style-type: none"> (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (c) for the provision of the following kinds of services principally to visiting members of the public— <ul style="list-style-type: none"> i. financial services, ii. professional services (other than health or medical services), or iii. any other services which it is appropriate to provide in a commercial business or service locality, (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public, (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public, (g) for— <ul style="list-style-type: none"> i. an office to carry out any operational or administrative functions, ii. the research and development of products or processes, or iii. any industrial process, <p>being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.</p>
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NEW USE CLASS F

N/A	Use Class F.1 (Learning and non-residential institutions)	<p>Any use not including residential use—</p> <ul style="list-style-type: none"> (a) for the provision of education, (b) for the display of works of art (otherwise than for sale or hire), (c) as a museum, (d) as a public library or public reading room, (e) as a public hall or exhibition hall, (f) for, or in connection with, public worship or religious instruction, (g) as a law court.
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Use Class up to 31 August 2020 (under the Use Classes Order)	Use Class from 1 September 2020 (under the Use Classes Order as amended by the 2020 Regulations)	Use permitted from 1 September 2020
N/A	Use Class F.2 (Local community)	Use as— (a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where— i. the shop's premises cover an area not more than 280 metres square, and ii. there is no other such facility within 1000 metre 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, (d) an indoor or outdoor swimming pool or skating rink.
Sui generis² (i.e. uses of land or buildings not falling into any of the use classes identified by the Use Classes Order)		
<ul style="list-style-type: none"> (a) as a theatre, (b) as an amusement arcade or centre, or a funfair, (c) as a launderette, (d) for the sale of fuel for motor vehicles, (e) for the sale or display for sale of motor vehicles, (f) for a taxi business or business for the hire of motor vehicles, (g) as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles, (h) for any work registrable under the Alkali, etc. Works Regulation Act 1906, (i) as a hostel, (j) as a waste disposal installation for the incineration, chemical treatment or landfill of hazardous waste, (k) as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club, (l) as a night-club, (m) as a casino, (n) as a betting office, (o) as a pay day loan shop. 	<p>(a) – (o) remain unchanged with addition of new sui generis uses</p>	<p>(a) – (o) remain the same, with the addition of the following:</p> <ul style="list-style-type: none"> (p) as a public house, wine bar, or drinking establishment, (q) as a drinking establishment with expanded food provision, (r) (as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises, (s) as a venue for live music performance, (t) a cinema, (u) a concert hall, (v) a bingo hall, (w) a dance hall.

² This list is non-exhaustive

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