

# Permitted Development - Industrial/Warehouse 1

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From April 6th 2010 there are important extensions to non-domestic permitted development.

As anticipated, the revised permitted development regulations allow shops and offices to extend buildings by 25% up to a limit of an additional 100m<sup>2</sup>, while schools, colleges, hospitals and universities can add up to 100m<sup>2</sup>. Industrial and warehouse developments will be able to extend up to 500m<sup>2</sup> or 1000m<sup>2</sup> depending on land status, and get the opportunity to erect a new freestanding building up to 100m<sup>2</sup>.

There are also other changes to procedures. For example, there is a new emphasis on proportionate requests for information by planners when validating applications and a warning about the rigid tick-box approach that has seen high levels of invalidated applications in some areas. Planners are also reminded that they should not use invalidation or information requests to prevent the start of the determination period, which begins the day after a valid application and fee have been received.

Other changes introduced relate to time limits for lodging certain types of planning appeal, applications for non-material changes to permissions and publicity for planning applications.

*The permitted development rules mean that there is a range of building work that can be carried out to a property without requiring planning approval, depending on the nature of the building and its use. The following rules apply:*

## INDUSTRIAL AND WAREHOUSE DEVELOPMENT

### Class A

#### Permitted development

#### **A The erection, extension or alteration of an industrial building or a warehouse.**

#### Development not permitted

**A.1** Development is not permitted by Class A if—

(a) the height of any part of the new building erected would exceed—

(i) if within ten metres of a boundary of the curtilage of the premises, five metres;

(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

(b) the height of the building as extended or altered would exceed—

(i) if within ten metres of a boundary of the curtilage of the premises, five metres;

(ii) in all other cases, the height of the building being extended or altered;

(c) any part of the development would be within five metres of any boundary of the curtilage of the premises;

(d) the gross floor space of any new building erected would exceed 100 square metres;

(e) the gross floor space of the original building would be exceeded by more than—

(i) 10% in respect of development on any article 1(5) land or 25% in any other case; or

(ii) 500 square metres in respect of development on any article 1(5) land or 1,000 square metres in any other case;



# Permitted Development - Industrial/Warehouse 3

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## **Class B**

### **Permitted development**

**B Development carried out on industrial land for the purposes of an industrial process consisting of—**

- (a) the installation of additional or replacement plant or machinery,**
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or**
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.**

### **Development not permitted**

**B.1** Development described in Class B(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or**
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.**

### **Interpretation of Class B**

**B.2** In Class B, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

## **Class C**

### **Permitted development**

**C Development consisting of—**

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or**
- (b) the replacement in whole or in part of such a surface.**

### **Development not permitted**

**C.1** Development is not permitted by Class C if the development would be within the curtilage of a listed building.

### **Conditions**

**C.2** Development is permitted by Class C subject to the following conditions—

- (a) where there is a risk of groundwater contamination the hard surface shall not be made of porous materials;**
- (b) in all other cases, either—**
  - (i) the hard surface shall be made of porous materials, or**
  - (ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.**

### **Interpretation of Class C**

**C.3** In Class C—



# Permitted Development - Educational 1

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There are also other changes to procedures. For example, there is a new emphasis on proportionate requests for information by planners when validating applications and a warning about the rigid tick-box approach that has seen high levels of invalidated applications in some areas. Planners are also reminded that they should not use invalidation or information requests to prevent the start of the determination period, which begins the day after a valid application and fee have been received.

Other changes introduced relate to time limits for lodging certain types of planning appeal, applications for non-material changes to permissions and publicity for planning applications.

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## SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

### Class A

#### Permitted development

**A The erection, extension or alteration of a school, college, university or hospital building.**

#### Development not permitted

**A.1** Development is not permitted by Class A—

(a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—

- (i) 25% of the gross floor space of the original school, college, university or hospital buildings; or
- (ii) 100 square metres,

whichever is the lesser;

(b) if any part of the development would be within five metres of a boundary of the curtilage of the premises;

(c) if, as a result of the development, any land used as a playing field at any time in the five years before the development commenced and remaining in this use could no longer be so used;

(d) if the height of any new building erected would exceed five metres;

(e) if the height of the building as extended or altered would exceed—

- (i) if within ten metres of a boundary of the curtilage of the premises, five metres; or
- (ii) in all other cases, the height of the building being extended or altered;

(f) if the development would be within the curtilage of a listed building; or

(g) unless—

(i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;



# Permitted Development - Offices 1

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There are also other changes to procedures. For example, there is a new emphasis on proportionate requests for information by planners when validating applications and a warning about the rigid tick-box approach that has seen high levels of invalidated applications in some areas. Planners are also reminded that they should not use invalidation or information requests to prevent the start of the determination period, which begins the day after a valid application and fee have been received. Other changes introduced relate to time limits for lodging certain types of planning appeal, applications for non-material changes to permissions and publicity for planning applications.

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## OFFICE BUILDINGS

### Class A

#### Permitted development

#### **A The extension or alteration of an office building.**

#### Development not permitted

**A.1** Development is not permitted by Class A if—

(a) the gross floor space of the original building would be exceeded by more than—

(i) 25%; or

(ii) 50 square metres,

whichever is the lesser;

(b) the height of the building as extended would exceed—

(i) if within ten metres of a boundary of the curtilage of the premises, five metres; or

(ii) in all other cases, the height of the building being extended;

(c) any part of the development, other than an alteration, would be within five metres of any boundary of the curtilage of the premises;

(d) any alteration would be on article 1(5) land; or

(e) the development would be within the curtilage of a listed building.

#### Conditions

**A.2** Development is permitted by Class A subject to the following conditions—

(a) any office building as extended or altered shall only be used as part of, or for a purpose incidental to, the use of that office building;



# Permitted Development - Retail, etc 1

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## SHOPS OR CATERING, FINANCIAL OR PROFESSIONAL SERVICES ESTABLISHMENTS

### Class A

#### Permitted development

#### **A The extension or alteration of a shop or financial or professional services establishment.**

#### Development not permitted

#### **A.1** Development is not permitted by Class A if—

(a) the gross floor space of the original building would be exceeded by more than—

(i) 25%; or

(ii) 50 square metres;

(c) any part of the development, other than an alteration, would be within two metres of any boundary of the curtilage of the premises;

(d) the development would be within the curtilage of a listed building;

(e) any alteration would be on article 1(5) land;

(f) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;

(g) any part of the development would extend beyond an existing shop front;

(h) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or

(i) the development would involve the installation or replacement of a security grill or shutter on a shop front.



# Permitted Development - Retail, etc 3

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## Class C

### Permitted development

#### C Development consisting of—

- (a) the provision of a hard surface within the curtilage of a shop or catering, financial or professional services establishment; or
- (b) the replacement in whole or in part of such a surface.

#### Development not permitted

##### C.1 Development is not permitted by Class C if—

- (a) the cumulative area of ground covered by a hard surface within the curtilage of the premises (other than hard surfaces already existing on 6th April 2010) would exceed 50 square metres; or
- (b) the development would be within the curtilage of a listed building.

#### Conditions

##### C.2 Development is permitted by Class C subject to the following conditions—

- (a) where there is a risk of groundwater contamination, the hard surface shall not be made of porous materials;
- (b) in all other cases, either—
  - (i) the hard surface shall be made of porous materials, or
  - (ii) provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the undertaking.

#### Interpretation of Class C

**C.3** For the purposes of Class C “shop or catering, financial or professional services establishment” means a building used for any purpose within Classes A1 to A5 of the Schedule to the Use Classes Order.”

# Permitted Development - Changes of Use 1

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## CHANGES OF USE

### Class A

#### Permitted development

**A. Development consisting of a change of the use of a building to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink) of that Schedule or from a use for the sale, or display for sale, of motor vehicles.**

### Class B

#### Permitted development

**B. Development consisting of a change of the use of a building—**

**(a) to a use for any purpose falling within Class B1 (business) of the Schedule to the Use Classes Order from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of that Schedule;**

**(b) to a use for any purpose falling within Class B8 (storage and distribution) of that Schedule from any use falling within Class B1 (business) or B2 (general industrial).**

#### Development not permitted

**B.1 Development is not permitted by Class B where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 235 square metres of floor space in the building.**

### Class C

#### Permitted development

**C. Development consisting of a change of use to a use falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order from a use falling within Class A3 (food and drink) of that Schedule.**

### Class D

#### Permitted development

**D. Development consisting of a change of use of any premises with a display window at ground floor level to a use falling within Class A1 (shops) of the Schedule to the Use Classes Order from a use falling within Class A2 (financial and professional services) of that Schedule.**

# Permitted Development - Changes of Use 2

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## Class E

### Permitted development

**E. Development consisting of a change of the use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.**

### Development not permitted

**E.1** Development is not permitted by Class E if—

(a) the application for planning permission referred to was made before the 5th December 1988;

(b) it would be carried out more than 10 years after the grant of planning permission; or

(c) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

## Class F

### Permitted development

**F. Development consisting of a change of the use of a building—**

(a) to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A1 of that Schedule;

(b) to a mixed use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 of that Schedule;

(c) where that building has a display window at ground floor level, to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 (financial and professional services) of that Schedule.

### Conditions

**F.1** Development permitted by Class F is subject to the following conditions—

(a) some or all of the parts of the building used for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order shall be situated on a floor below the part of the building used as a single flat;

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall not be used in whole or in part as the single flat;

# Permitted Development - Changes of Use 3

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(c) the single flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or

(ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

## **Interpretation of Class F**

**F.2** For the purposes of Class F—

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

## **Class G**

### **Permitted development**

**G.1** Development consisting of a change of the use of a building—

(a) to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A1 of that Schedule and as a single flat;

(b) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 of that Schedule and as a single flat;

(c) where that building has a display window at ground floor level, to a use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order from a mixed use for any purpose within Class A2 (financial and professional services) of that Schedule and as a single flat.

### **Development not permitted**

Development is not permitted by Class G unless the part of the building used as a single flat was immediately prior to being so used used for any purpose within Class A1 or Class A2 of the Schedule to the Use Classes Order.