

Change of Use - When is Planning Permission Required?

Use Classes

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. This Order is periodically amended, the most recent amendment comprising The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

It is generally the case that planning permission will be required to change from one use class to another, although there are exceptions where the legislation does allow some changes between uses.

The following list gives an indication of the types of use which may fall within each use class.

- **A1 Shops** - Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.
- **A2 Financial and professional services** - Financial services such as banks and building societies, professional services (other than health and medical services) and including estate and employment agencies. It does not include betting offices or pay day loan shops - these are now classed as "sui generis" uses (see below).
- **A3 Restaurants and cafés** - For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.
- **A4 Drinking establishments** - Public houses, wine bars or other drinking establishments (but not night clubs).
- **A5 Hot food takeaways** - For the sale of hot food for consumption off the premises.
- **B1 Business** - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
- **B2 General industrial** - Use for industrial process other than one falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).
- **B8 Storage or distribution** - This class includes open air storage.
- **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 3 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): 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.
- **D1 Non-residential institutions** - Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court. Non residential education and training centres.
- **D2 Assembly and leisure** - Cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or area for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).
- **Sui Generis** - Certain uses do not fall within any use class and are considered 'sui generis'. Such uses include: betting offices/shops, pay day loan shops, theatres, houses in multiple occupation, hostels providing no significant element of care, scrap yards. Petrol filling stations and shops selling and/or displaying motor vehicles. Retail warehouse clubs, nightclubs, launderettes, taxi businesses, amusement centres and casinos.

Changes of use not requiring planning permission

Planning permission is not needed when the existing and the proposed uses fall within the same “use class”, or if the Town and Country Planning (Use Classes) Order 1987 (as amended) says that a change of class is permitted to another specified class.

For example, a greengrocer’s shop could be changed to a shoe shop without the need for planning permission as these uses fall within the same ‘use class’, and a restaurant could be changed to a shop or a estate agency as the Use Classes Order allows this type of change to occur without requiring planning permission.

Whilst a change of use might not need permission, any external building work associated with a change of use may still require planning permission.

The table below summarises the permitted changes of use following the 2015 Use Classes Amendment Order. The table simplifies the complex legislation and should be read as a guide only, and in conjunction with the additional comments and restrictions below.

From	To
A1 (shops)	A2 , or up to 150m2 A3 subject to Prior Approval, or up to 200m2 D2 subject to Prior Approval and only if the premises was in A1 use on 5 th December 2013. A mixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions. C3 if the cumulative floorspace of the building is under 150m2 and subject to Prior Approval.
A2 (professional and financial services) when premises have a display window at ground level, but excluding betting offices or pay day loan shops	A1 , or up to 150m2 A3 subject to Prior Approval, or up to 200m2 D2 subject to Prior Approval and only if the premises was in A2 use on 5 th December 2013. Amixed use comprising an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions. C3 if the cumulative floorspace of the building is under 150m2 and subject to Prior Approval.

A3 (restaurants and cafes)	A1 or A2
A4 (drinking establishments)	A1 or A2 or A3 except buildings that may be defined as "community assets".
A5 (hot food takeaways)	A1 or A2 or A3
B1 (business)	Up to 500m2 B8 .
B2 (general industrial)	B1
B2 (general industrial)	Up to 500m2 B8
B8 (storage and distribution)	Up to 500m2 B1
C3 (dwellinghouses)	C4 (houses in multiple occupation)
C4 (houses in multiple occupation)	C3 (dwellinghouses)
Sui Generis (casinos and amusement arcades/centres)	D2 , or only if existing building is under 150m2 A3 or subject to Prior Approval. C3 if the cumulative floorspace of the building is under 150m2 and subject to Prior Approval.
Sui Generis (betting offices and pay day loan shops)	A1 or A2 . C3 if the cumulative floorspace of the building is under 150m2 and subject to Prior Approval. A mixed use comprising a betting office or a pay day loan shop, or an A1 or A2 use and up to 2 flats may also be permitted subject to meeting certain conditions.
Sui Generis (agricultural buildings)	A1, A2, A3, B1, B8, C1, C3, D2 , all subject to meeting relevant criteria and Prior Approval. See notes below.

The table provides a summary for the most common changes of use that apply in most circumstances, but there may also be further restrictions that do not allow you to implement the change of use. For example, if the property is within a Conservation Area, National Park, or Area of Outstanding Natural Beauty, or if the building is a Listed Building or Scheduled Monument, within a site of special scientific interest, safety hazard area, or military explosives area.

There are some restrictions on the change of use of public houses (Class A4) where they have been designated or could be nominated as a "community asset".

If a public house has already been defined by the Council as a community asset then there are no permitted development rights, and a planning application is required for any change of use or demolition.

If the building is not a community asset, developers are required to give notice to the Local Planning Authority at least 56 days in advance of the commencement of any works.

If community groups are then interested in buying the property to retain it as a community asset, then permitted development rights are temporarily removed, and the community group must be given the opportunity to purchase the property.

See [Assets of Community Value \(England\) Regulations 2012](#).