

Planning information sheet – April 2014

Planning Reforms

Since forming the Government in May 2010, the Coalition have stressed that a key objective is to encourage that the planning system should work proactively to support economic growth, but to date remains concerned that currently the system is burdened by unnecessary bureaucracy that can hinder sustainable growth.

In May 2013, the Government published legislation in an attempt to arouse activity without the need for planning permission, either for a temporary period or subject to the Prior Approval process. The key provisions were:

- > Allowing the change of use from B1 (a) (offices) to C3 (dwelling houses)
- > Allowing the change of use of agricultural buildings to either an A1 (shop), A2 (financial and professional services), A3 (restaurants and cafés), B1 (business), C1 (hotels), or D2 (leisure and assembly)
- > For a temporary period of 2-years, allowing the change of use from A1 (shops), A2 (financial and professional services), A3 (restaurants and cafés), A4 (drinking establishments), A5 (hot food takeaways), B1 (business), D1 (non-residential institutions), and D2 (assembly and leisure) to A1 (shops), A2 (financial and professional services), A3 (restaurants and cafés), or B1 (business).

Therefore, and in order to further stimulate economic activity, the Government has been consulting on planning reforms to enable certain changes to a building without the need for planning permission at all. The Mary Portas Review of our Town Centres has also been a catalyst for change. The results of these consultations are to result in changes in legislation, which took effect from the 06th April 2014.

The key permitted development changes are to allow:

- Change of use from retail shop or provider of financial and professional services to residential use
- A mixed use combining dwelling/ shop/financial and professional services
- Change of use from retail shop to bank or building society
- Buildings used for a variety of uses to become nurseries

- Agricultural buildings to become schools or nurseries
- Change of use from agricultural building to residential use (see over)

The Government is also considering making further reforms to permitted development modifications to the planning system in the future to allow:

- Change of use from retail to leisure uses, such as a cinema, dance hall or gym
- Installation of mezzanine floors in retail premises
- Warehousing and light industrial buildings to residential

It is likely that these permitted changes will require some level of Prior Approval to be sought from the Local Planning Authority. The timescales for implementation are uncertain.

There are a number of limitations and floor area restrictions to these changes, eg they do not include listed buildings or properties in conservation areas.



Agricultural to residential ... some initial observations

- The secondary legislation came into force on the 06th April 2014
- This Amendment and Consequential Provisions Order need to be read alongside the Town and Country Planning (General Permitted Development) Order 1995, as amended, and in particular the 2013 Amendments, which came into force on the 30th May 2013.
- New Class MB allows the change of use of a building and any land within its curtilage from an agricultural building to a dwelling; the new class also allows building operations reasonably necessary to allow the residential conversion.
- MB.1 of the Regs. sets out the a) – m) restrictions for carrying out of the above, where development is not permitted.
- MB.2 sets out the a) – e) conditions, such that before beginning development, the developer shall apply to the LPA for Prior Approval i.e. matters relating to transport/ highway / noise impacts /

contamination and flooding risks. In addition, the developer / LPA will have to give consideration as to whether the location or siting of the building makes it otherwise impractical or desirable for the change of use.

As with any planning proposal (and this Prior Approval process is considered as if this were a planning application), there is a strong emphasis on securing sustainable development as set out in the National Planning Policy Framework. However, this part of the regulations seems to focus purely on issues of location i.e. travel to services / reliance on the private motor car / access to public transport infrastructure, rather than the wider potential sustainable benefits of re-use / economic and social benefit/ visual enhancement etc.

- The fee for a Prior Approval application is £80. If Class MB development is permitted, development should commence within 3-years of the date on which, i) permission is granted by the LPA,

or ii) after the expiry of 8-weeks from receipt by the LPA if the applicant has not been informed as to whether Prior Approval is given or refused

- Building operations reasonably necessary for the building to function as a dwelling house are subject to a separate application for Prior Approval to the LPA, as to the design and external appearance of the building (amendments to paragraph N of the 2013 Order);
- Article 6 amendments within these regulations also prevents developers using existing rights to build or extend agricultural buildings (under Part 6 of Schedule 2 to the GPDO) within ten years of having changed the use of an agricultural building on the holding under new Class MB of Part 3 of Schedule 2.

Please contact [William Allwood](#) or [Martin Page](#) at Barford+Co on **01480 213811** if you require more information on opportunities to secure planning permission under the reforms and new regulations.

