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# SURREY PROPERTY EXCHANGE – PLANNING CLINIC

## PLANNING SYSTEM - LEGISLATION UPDATE

BY

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10 August 2020



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Chartered Town Planner



# PLANNING SYSTEM: LEGISLATION UPDATE

## New Permitted Development Legislation :

### The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

#### LICHFIELDS Guide to changes to the Use Classes Order in England

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020	Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2	Hotels, boarding and guest houses	C1	C1
Shop	A1	E	Residential institutions	C2	C2
Financial and professional services (not medical)	A2	E	Secure residential institutions	C2a	C2a
Café or restaurant	A3	E	Dwelling houses	C3	C3
Pub or drinking establishment	A4	Sui generis	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Take away	A5	Sui generis	Clinics, health centres, creches, day nurseries, day centre	D1	E
Office other than a use within Class A2	B1a	E	Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Research and development of products or processes	B1b	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F.2
Storage or distribution	B8	B8	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Changes of use within the same class are not development. Use classes prior to 1 September 2020 will remain relevant for certain change of use permitted development rights, until 31 July 2021. The new use classes comprise:

Class E (Commercial, business and service uses),	Class F.1 (Learning and non-residential institutions)	Class F.2 (Local community uses)
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Coming into force as of 01 September 2020.

Transitional arrangements for permitted development changes of use will be in place until July 2021.

No permission required (except where article 4 directions apply) within the new use classes



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## New Permitted Development Legislation :

Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) No.2) Order

- *An additional two storeys to existing two storeys + dwelling houses / An additional single storey to an existing single storey dwelling house*
- *Above the principal part of the dwelling house*
- *Limits set on the height of the additional storeys and the resultant height of the dwelling house*
- *Subject to prior approval on neighbouring amenity and design and external appearance*
- *Can apply to detached, semi-detached and terrace houses*

*Comes into force on 31 August 2020*



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## New Permitted Development Legislation :

Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) No.2) Order

- *New Class AA insertion which allows an additional **two storeys on detached commercial and mixed use buildings***
- *Relevant uses include those currently within use classes A1, A2 and A3, and B1(a), and betting offices, pay day loan shops and launderettes*
- *Similar restrictions apply to the upward extensions above purpose built flatted blocks (as per last month's planning clinic update)*
- *Subject to an extensive prior approval process*

*Comes into force on 31 August 2020*



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## New Permitted Development Legislation :

Part 20, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) No.2) Order

- *Similar permitted development rights (to Class AA) under Part 20 brought in for the following:*
  - *Class AB - new dwelling houses on **terrace buildings in commercial or mixed use***
  - *Class AC - new dwelling houses on **terrace buildings in use as dwelling houses***
  - *Class AD - new dwelling houses on **detached buildings in use as dwelling houses***

*All subject to buildings built between 1948 and 2018, not in a protected area, and subject to a detailed and extensive prior approval process.*

*Comes into force on 31 August 2020*



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## Planning for Growth White Paper:

The “Planning for Growth” White Paper (published 06 August 2020)

- Local Plans required to identify / allocate areas of their borough in terms of their expectation for development (growth areas for substantial development; renewal areas for some less dense development; and protected areas for limited or no development)
- Rolling out a reliance on the use of design codes and standard policies for different growth areas, brought together using new visual, map-based internet resources
- Developments designed to be of a high quality to be given a fast-track approval process
- Abandonment of local s.106 contributions and locally set CIL tariffs in favour of a national standardised levy, likely to include PD prior approval schemes and so therefore further dissuading the use of new and extended permitted development rules to avoid affordable housing and other substantive planning contributions...



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## Planning for Growth White Paper:

The “Planning for Growth” White Paper (published 06 August 2020).. CONT...

- A new nationally set and binding housing requirement figure for Local Plans to have to use rather than the currently set localised figures of housing need;
- Splitting large housing sites up between several different house builders to provide for a quicker level of completions
- Make the ability for residents to contribute to the planning processes more streamlined and accessible.

(Consultation process now running, with legislation to be published depending on the results, and with a view to enabling new Local Plans to be put into place in approximately 30 months).



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## DISCLAIMER

The information contained within this presentation was correct at the time that the information was presented

Permitted development legislation and government guidance is subject to frequent review and changes, and there may be high court judgements that set precedents for new interpretations of the relevant legislation.

Your rights to carry out building works under permitted development do not affect other requirements of legislation such as those imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990.

No action should be taken on the basis of the aforementioned advice contained within this presentation without seeking prior professional advice in respect of your specific property, and at the appropriate time for when you will be looking to make an application and/or carry out works.



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