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Changes to planning laws: business briefing

This business briefing sets out the recent changes to the planning laws that have increased permitted development rights in relation to business premises and the re-use of existing buildings.

What is permitted development?

The government may specify types of development as “permitted development”. Permitted development is still development for which planning permission is required. It is just that the application process is dispensed with and permission is deemed to have been granted.

Change of use for business premises

The amount of floor space in business premises that may change from business or general industrial use to storage and distribution use; or from general industrial or storage and distribution to business, will increase from 235 square metres to 500 square metres.

Change of use from offices to dwelling houses

Permitted development rights will now apply for a change of use of a building and any land within its curtilage from offices to use as a dwelling house. However, there are a several situations where development will not be permitted, including where:

- The building was not used as offices immediately before 30 May 2013, or if the building was not in use immediately before that date, when it was last in use.
- The site is, or forms part of, a safety hazard area.

Some local authorities (including many in London boroughs), have opted out of this change. Land in these areas will require an express grant of planning permission for change of use.

Change of use of agricultural buildings

Existing agricultural buildings and any land within its curtilage can now be changed to a flexible use falling within one of the following use classes:

- Retail.
- Financial and professional services.
- Restaurants and cafes.
- Business.
- Storage and distribution.
- Hotels.
- Assembly and leisure.

There are a number of situations where development is not permitted. For example if:

- The building has not been solely in agricultural use since 3 July 2012 or, if the use began later than that date, for a period of at least ten years.
- The cumulative floor space of buildings which have changed use (under the new permitted development rights) within an original agricultural unit exceeds 500 square metres.

Re-using existing buildings

Any building and land within its curtilage falling within one of the following use classes is permitted to change to a flexible use falling within either retail, financial and professional services, restaurants and cafes or business:

- Retail.
- Financial and professional services.
- Restaurants and cafes.
- Drinking establishments.

- Hot food takeaways.
- Business.
- Non-residential institutions.
- Assembly and leisure.
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The new use may only be for a single continuous period of up to two years. The permitted development is subject to conditions and development is not permitted in several situations, including where:

- The change of use relates to more than 150 square metres of floor space in the building.
- The site is, or forms part of, a safety hazard area.
- The building is a listed building or a scheduled monument.

Industrial and warehouse development

Permitted development right to erect, extend or alter industrial and warehouse premises has increased from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. This new permitted development right is temporary and will expire on 30 May 2016. A number of conditions are imposed.

Office buildings

Permitted development rights to extend or alter an office building have been increased from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres, subject to conditions. The new permitted development right will expire on 30 May 2016.

Shops or catering, financial or professional services

Permitted development rights to extend or alter a shop, catering, professional or financial services establishment have been increased from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres, subject to conditions.

The new permitted development right will expire on 30 May 2016. The exclusion of development within two metres of the boundary of the curtilage is removed during this period except in relation to premises which adjoin land or buildings in residential use.

Should you have any questions please contact Philip Roberts on 01206 719642 or email Philip.roberts@ellisonssolicitors.com