

Report to Planning Committee 14 March 2024

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Report Summary	
Report Title	Permitted Development Rights: Commercial, Business and Services uses to Dwellinghouses
Purpose of Report	To set before Planning Committee the latest permitted development right.
Recommendations	The contents of the report and the permitted development right changes to be noted.

1.0 Background

- 1.1 On 13 February 2023, the Government issued an amendment to an existing permitted development right, which came into force on the 5th March 2024. The amendment relates to Class MA – commercial, business and service uses to dwellinghouses of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.2 The new Statutory Instrument is 2024 No. 141 [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024](#).

2.0 Detail

- 2.1 Class E (commercial, business and service uses) was introduced into the Town and Country Planning (Use Classes Order) 2007 (as amended) on 1st September 2020 via the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. A paper was presented to Planning Committee at that time. Class E relates to shops (except certain local community shops), financial and professional services, restaurants and cafes, B1 (business) i.e. offices, non-residential institutions (health services, creche, day centres etc.), commercial, business and service uses (gyms, indoor and outdoor sport/recreation etc.). This use class is therefore quite wide-ranging. Dwellinghouses are those buildings falling within Class C3 of the Use Class Order.
- 2.2 Prior to the change to this permitted development order, a limitation (MA.1. (1)(a) required the building to be vacant for a (continuous) period of 3 months immediately

prior to the date of the application for prior approval. This requirement has been deleted.

- 2.3 A further limitation (MA.1. (1) (c) was that no more than 1,500m² of floor space could change use under this Class. This has also been deleted.
- 2.4 Paragraph 7.5 of the [Explanatory Memorandum](#) to this Statutory Instrument details that *“[T]hese changes will bring additional premises into scope of the right and deliver more homes to buy or to let than would otherwise have been the case.”*
- 2.5 No changes are proposed in relation to those buildings or areas that are excluded - listed buildings continue to be excluded from this permitted development right but those buildings within conservation areas are not.
- 2.6 **Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024 \(legislation.gov.uk\)](#)

[Explanatory Memorandum to the Town and Country Planning \(General Permitted Development\) \(England\) \(Order 2024\)](#)