

**Making the most of your Business –
Greater Flexibility to Change the Use of Business Premises
– recent changes to the Planning System.**

Introduction

This Guide is to help farmers and business owners understand recent changes to the Planning System in relation to Permitted Development Rights. The Government has introduced changes to Permitted Development rights to provide greater flexibility to make changes of use to premises without the need for planning permission.

Generally these changes will still require an application for “Prior Approval” (with a standard fee of £80), but in some cases the only requirement is to notify the Council of the proposed change.

Where Prior Approval is required the Council can only assess the specified matters to be considered. Prior Approval will be advertised by way of a site notice, but no further consultation is required. Application forms for Prior Approval are available through the Planning Portal as for any planning application form.

The general guidance given below is only a summary of the changes permitted, and cannot provide a definitive explanation of the detailed restrictions and qualification that can apply. The changes are not permitted if the building is in a Safety Hazard Area, Military Explosives Area, or if the building is a Listed Building or Scheduled Ancient Monument.

Prior Approval applications have to be determined within 56 days otherwise permission is deemed to have been granted. Conditions can be attached to any approval.

Unless indicated otherwise the change of use can only benefit from the Prior Approval process if there are NO alterations to the external appearance of the building.

The new flexibilities depend on the current use of the building (and what Planning Use Class that usage would fall within) and the proposed uses that may be permitted. The various scenarios available are set out below.

The new flexibilities – scenarios available

Change from Office (B1a) to Dwelling (C3)

Prior Approval can be sought for any size of office building to change to any number of dwelling houses. The only matters the Council can consider are transport and highway impacts, any contamination risks on the site, and any flooding risks.

However the opportunity to benefit from this procedure is likely to be limited as any alterations to introduce new windows or doors, or provide external features such as individual drives and

hard standing will result in the proposal needing to be the subject of a normal planning application. The flexibility may be most useful where a former dwelling is being used as an office, and it is intended to revert back to residential use. It is worthwhile pointing out that if an office is above a shop, then separate permitted development rights allow a change of use for up to 2 dwellings without the need for any application to be made to Council.

Change of Use from Retail (A1) or Financial Services (A2) to a Dwelling or Dwelling houses (C3)

This permits a change to residential use but only for up to 150 sq metres of floor space, so it would not apply to larger retail premises. It does permit external alterations, but the prior approval procedure cannot be used if the building is in a Conservation Area.

A Prior Notification application has to be submitted, and in addition to transport impact, and contamination and flooding risks, the Council can consider the impact of the proposal on the provision of services or the need to sustain a key shopping area. This means that the Council could refuse an application for change to residential use which was located in a prime shopping area, or was the last shop in a village or local housing area.

Temporary Change of Use to Retail (A1), Financial Services (A2), Restaurant (A3), or Business (B1)

This change permits any Class A1 (Retail) Use, A2 (Financial Services) Use, A3 (Restaurant) Use, A4 (Drinking Establishment) Use, A5 (Take-Away) Use, B1 (Business) Use, D1 (Non residential Institutions) Use or D2 (Assembly or Leisure) Use to make a temporary change of use for TWO YEARS ONLY. The change only needs to be notified to the Council. If you wish to continue the use after two years a full planning application will be required.

This looks to be a wide ranging flexibility, but only applies to up to 150 sq metres of floor space, and it has to be remembered that a change from a higher category "A" Use to a lower one is already permitted development – for example you can make a permanent change from an A5 Take away to an A1 retail use as permitted development. The value of the flexibility is also likely to be limited if the premises has to undergo costly internal alterations such as the installation of a kitchen if the proposed use is a restaurant. The flexibility may however be useful if the proposal is only for a café with limited on site catering facilities. External alterations are not permitted as part of the temporary change.

Change of Use from Retail (A1) to "Deposit Taker" within Financial Services (A2)

This 2014 change effectively subdivides the A2 Financial Services Use Class, and permits a change to from a normal retail shop to a bank, building society or credit society office. This is on the basis that such uses attract public and footfall to a similar degree to an A1 retail use. The change only needs to be notified to the Council

Change of Use from Agricultural Building to a Flexible Use.

This is a wide ranging flexibility to change the use of an agricultural building or buildings of up to 500 sq metres floor space (cumulative) to a Retail (A1), Financial Services (A2), Restaurant (A3), Business (B1), Storage (B8), Hotel (C1) or Assembly and Leisure (D2) use. However, as it does

not permit external alterations its use is likely to be limited to business or storage uses that can occupy a barn or portal frame structure without alterations.

The applicant has to specify which of the flexible uses is intended to be taken up, and inform the Council if there are any subsequent changes. Changes of floor space up to 150 sq m can be undertaken simply by notifying the Council. Floor space between 150 sq m and 500 sq m will need to be the subject of a Prior Approval application.

When considering a Prior Approval application the Council can only consider transport and noise impacts as well as contamination and flooding risks.

Change of Use of Agricultural Buildings to a Dwelling or Dwellings (C3)

This 2014 change permits up to 450 sq metres of floor space to be converted to up to 3 dwellings (with a max floor space of 450sq m) subject to Prior Approval. External alterations are permitted as part of the conversion, but the dwellings cannot extend beyond the footprint of the existing farm building(s) being converted. The Prior Approval process cannot be used in Conservation Areas.

The Council has to assess the design and external appearance as part of the determination of the application, and would expect the conversion to retain the character and appearance of the farm building. The Council also has to consider “whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use” to a dwelling.

If inadequate information is provided to assess the impact, the Council can refuse Prior Approval. Applicants are therefore advised to discuss information requirements with officers before submitting an application.

It is important to consider the relationship of any proposed dwelling to a working farm or other farm buildings that might be used for commercial purposes. The application for Prior Approval must indicate the proposed curtilage to each dwelling, which cannot extend beyond 450 sq metres in total. It should be noted that if Prior Approval is granted for a conversion to dwellings and this is carried out, the farm holding will NOT be able to benefit from normal permitted development rights to erect or extend agricultural buildings for a period of 10 years.

Change to a State Funded School

This permits change to a school from any use within the Business (B1), Hotel (C1), Residential Institutions (C2 or C2A) or Assembly and Leisure (D2) Use Classes. It is most likely to be used to help provide premises for new schools to be set up outside Local Authority Control, but the procedure would equally apply to a Local Authority proposal to re-use a suitable building as a school.

In this case as well as traffic and contamination risks the Council can consider the noise impacts of the development.

A change back to the original use is permitted.

In addition to the Prior Approval process needed for a permanent change of use, a temporary change to a school of up to one year may be permitted in certain circumstances subject to the Council being notified of the proposed opening date.

The 2014 changes have also introduced the opportunity for agricultural buildings to be converted to a school (with external alterations) subject to Prior Approval

Further information

Your Area Planning Officer can be contacted on 01482 393792

For further information, and to access the Planning Portal, go to:

<http://www2.eastriding.gov.uk/environment/planning-and-building-control/planning-applications/pre-application-planning-guidance/#non-householder>



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