

More permitted development on the way

Further changes to permitted development will come into force on 6 April, the most important being:

Office to residential

As previously announced, the right to change the use of most office space to residential without planning permission is to become permanent. It will continue to be subject to a prior approval procedure, albeit this will be extended to consider the impact of noise on new residents.

Current non-geographic exceptions will remain in perpetuity, but geographic exceptions (including Central London and Manchester city centre) will expire in May 2019, although one can expect many of the local authorities affected to promote Article 4 directions to retain the restrictions beyond this.

Interestingly, there is no mention at present about the idea mooted last autumn of extending permitted development to include demolition and redevelopment of office buildings for housing. This was quite a radical proposal, raising many questions about how it might be implemented – the government may feel that it needs more time to consider this.

Light industrial to residential

A new three-year temporary permitted development right for changes of use from light industrial to residential will come into force on 1 October 2017. Beyond its temporary nature, there are a number of other restrictions imposed, including:

- A floorspace limit of buildings less than 500sqm;
- Evidence will be required that the building was used solely for light industrial purposes on 19 March 2014 (or, if the light industrial use was established but the building was vacant in March 2014, the date the building was last in that use would be relevant), and
- Whether the site is identified as being particularly sensitive (for example, listed buildings, scheduled monuments or in a site of special scientific interest).

Prior approval will be required relative to flood risk, contamination and transportation considerations. In addition, the prior approval process will include consideration of the impact of the change of use on surrounding light industrial operations, where these are deemed to be "important". Prior approval must be granted before 1 October 2020, and development must be completed within three years of the prior approval date.

Commentary

Office to residential conversions have proved popular with developers – according to government figures, almost 4,000 conversions were approved between April 2014 and June last year and no doubt the extension of this right in perpetuity will also be welcomed. However, the change of use from light industrial floorspace may not prove as popular, given the restrictions imposed (not least on floorspace), and the level of additional work that might be required to render sites fit for habitation. Further, it will also be interesting to see how local authorities will define areas that are considered "important" for light industrial use – from past experience, some local authorities may take a very broad view.

Please contact the above for further information or advice regarding this update.

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