

New Consultation on Further Permitted Development Rights - Commercial, Business & Service (Class E) to Residential (C3)



Following changes to permitted development (PD) rights and the White Paper Planning Reforms published at the end of the summer, the Government has recently launched a further consultation on new Permitted Development rights, allowing a change of use from the new Commercial, Business and Service use class E to residential use class C3. It's fair to say that most in the industry were expecting this, but perhaps not quite so soon, and it's clear that the proposed new rights will have far reaching consequences for our high streets, town centres and beyond.



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The consultation, published on 3 December, proposes new PD rights to allow the change of use from Class E (which includes retail, office, light industrial, gyms, medical facilities and nurseries) to residential dwellings without the need to obtain planning permission.

The PD right will apply to all Class E buildings, including those within Conservation Areas, Areas of Outstanding Natural Beauty, National Parks, World Heritage Sites and Listed Buildings will be excluded from operation of the new right.

A prior approval application will be required, which should address a short list of criteria as follows:

- Flood risk;
- Transport;
- Contamination;
- Noise impacts;
- Daylight / sunlight;
- Fire safety; and
- Residential amenity (in certain locations).

The prior approval application must include detailed floor plans and minimum space standards will be mandatory. To benefit from the new right, the building must have been in a use falling within use Class E on 1 September 2020. It appears that there will be no affordable housing or other planning obligation requirements, and no CIL liability where no new net floorspace is created.

The proposal forms part of the Government's response to changing behaviours affecting the high street brought about by the rise of on-line retailing and the impact of COVID-19.

The rapidly changing face of our town centres demands radical action to re-imagine and re-vitalise what were once vibrant, busy commercial centres. The Government's intention is clearly to allow change to occur swiftly with limited intervention in the process of change by Council planners.

For further advice on the reforms and to discuss the opportunities that the proposed PD rights introduce, please contact [Neil Jones](mailto:neil.jones@rapleys.com), Partner in the Town Planning team at Rapleys on 07774 652 426.