



## Use(less) Classes, and Everything Goes Up ?

**This week, a grand experiment has started. The Government has made sweeping changes to the Use Classes Order and has added yet more amendments to the General Permitted Development Order. It is clear that they each represent a significant loosening of planning controls.**

The amendments to the Use Classes Order are radical. As from 1 September 2020, Use Classes A1, A2, A3 and B1 has been combined into a new (fangled) Use Class E. Whilst there are limited transitional arrangements in place, what this essentially creates is a great deal more flexibility of land use. Shops can become restaurants can become offices, and all within the same Use Class. There are a few constraints as pubs, wine bars, takeaways, cinemas, concert- bingo- and dance halls all fall out of the Use Class categorisation and will be subject to the full planning system. There are also two other new classes, F1 (learning and non-residential institutions) and F2 (local community uses).

The effects of these changes on new applications are unpredictable, and there is still no accompanying PPG guidance on them. Furthermore, these rights apply everywhere – which is odd, as the government’s only justification is that this change will support the high street, and help create vibrant, mixed use town centres. The best that a planning authority can do is to look for the planning conditions that might apply to individual sites, and keep an eye on any attempts at operational development.

We are also moving up at home, it seems. By one set of Regulations and two Orders, the Government has rewritten the rulebook on what extensions require planning permission.

The Regulations create (amongst other amendments) the permitted development right to construct *‘new homes on detached blocks of flats’* using the ‘prior approval’ route. It is hedged around with limitations, and the local authority must consider various other factors, but – so long as you are outside a conservation area – the right is there. This came into force substantively on 1 August 2020, and was joined on 31 August by two more changes for new applications. The two Orders continue in the same vein as the Regulations with additional permitted development rights created to *‘extend existing houses to provide more living space by constructing additional storeys’*, *‘the construction of additional storeys on free standings blocks and houses in a terrace, as well on buildings where the use might be mixed, or in certain commercial uses’*, and *‘the demolition of certain types of buildings to be replaced by new homes’*. Each of these new rights is subject to similar conditions as in the Regulations.

These sweeping changes will no doubt be welcomed by those who have been calling for increased flexibility in the planning system for some time now, but there remain many

unsolved questions: will this create space that people actually want to live in? Will it lead to a new generation of slums? Will it afford business districts some flexibility to recover from the effects of Covid-19?

They also mark another step towards a rules-based system. That theme is picked up in the Planning White Paper, which is out for consultation until October. We can expect more radical changes down the line.

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