



MONTAGU EVANS EXPLAINS...

THE NEW CLASS MA, COMMERCIAL TO RESIDENTIAL

Following the government's updates to the Use Classes Order ("UCO") in September 2020, the first set of amendments to the General Permitted Development Order ("GPDO") have been published, which phases out permitted development rights for office to residential conversion and introduces a new right to convert from commercial use (Class E) to residential (Class C3), from 1 August 2021.

FOR MORE INFORMATION TALK TO ONE OF THE TEAM...



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DEVELOPMENT IS PERMITTED SUBJECT TO THE FOLLOWING CONDITIONS...

Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- a) **Transport** impacts of the development, particularly to ensure safe site access;
- b) **Contamination** risks in relation to the building;
- c) **Flooding** risks in relation to the building;
- d) **Impacts of noise** from commercial premises on the intended occupiers of the development;
- e) Impact of that change of use on the **character** or **sustainability of the conservation area** (if converting ground floor);
- f) Provision of adequate **natural light** in all habitable rooms of the dwellinghouses;
- g) The **impact on intended occupiers** of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- h) Where the development involves the loss of a **registered nursery**, or a **health centre**¹ and the impact on the local provision of the type of services lost.

APPLICATION FEE
£100 PER DWELLINGHOUSE (UP TO MAXIMUM OF £5,000).

DEVELOPMENT MUST BE **COMPLETED WITHIN A PERIOD OF 3 YEARS**
STARTING WITH THE PRIOR APPROVAL DATE.

PROPOSED DWELLINGHOUSES **MUST COMPLY WITH THE NATIONALLY DESCRIBED SPACE STANDARDS** (DCLG, MARCH 2015)

OPERATIONAL DEVELOPMENT IS **NOT PERMITTED VIA THIS PRIOR APPROVAL ROUTE**,
AND SEPARATE PLANNING PERMISSION WOULD BE REQUIRED.

A BUILDING MAY BE SUBJECT TO **RESTRICTIVE PLANNING CONDITIONS OR LEGAL OBLIGATIONS** THAT PREVENT CHANGE OF USE VIA PERMITTED DEVELOPMENT RIGHTS.

APPLICATIONS FOR OFFICE TO RESIDENTIAL CHANGE OF USE UNDER CLASS O
MUST BE SUBMITTED BY 31 JULY 2021.

REFER TO THE **TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) (AMENDMENT) ORDER 2021 (SI 2021 NO. 428)** FOR THE FULL SET OF AMENDMENTS.

"THIS WILL HELP FOCUS THE RIGHT ON SMALLER BUILDINGS THAT MAY MORE EASILY CHANGE USE, AND WHICH ARE ALREADY VACANT, THEREBY PROTECTING EXISTING BUSINESSES. LARGER BUILDINGS MAY CONTINUE TO BE BROUGHT FORWARD FOR REDEVELOPMENT UNDER A PLANNING APPLICATION, AND IN SUCH CASES MAY ATTRACT AFFORDABLE HOUSING."
(MHCLG RESPONSE TO CONSULTATION, MARCH 2021).

DEVELOPMENT IS NOT PERMITTED...

- Unless the building **has been vacant for a continuous period of at least 3 months** immediately prior to the date of the application for prior approval;
- Unless the use of the building fell within one or more of Classes **A1, A2, A3, B1, D1(a), D1(b), D2(e) or Class E** for a continuous period of at least 2 years prior to the date of the application for prior approval;
- If the cumulative floor space **exceeds 1,500 square metres**;
- If land covered by, or within the curtilage of, the building forms part of:
 - a site of **special scientific interest**
 - a **listed building** or scheduled ancient monument or land within its curtilage
 - a **safety hazard** area or a military **explosives storage area**
- If the building is within an area of outstanding **natural beauty**; the Broads, a National Park, World Heritage Site or a specified area².
- If the site is occupied under an **agricultural tenancy**, unless the express consent of both the landlord and the tenant has been obtained; or
- Before 1 August 2022, if the proposed development is of a description falling within Class O (B1 to C3) and the development would not have been permitted by virtue of the operation of an **"article 4(1) direction"** (which has not since been cancelled).

¹As maintained under section 2 or 3 of the National Health Service Act 2006

²For the purposes of section 41(3) of the Wildlife and Countryside Act 1981