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Guidance Note

Permitted development rights

Industrial and Warehouse Development
Schools, Colleges, Universities and Hospitals
Office Buildings
Shops, Financial and Professional Services

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1. INTRODUCTION

- 1.1 This document provides guidance on the main changes to the Town and Country Planning (General Permitted Development) Order 1995 (the “GPDO”); as introduced by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014. However it is not an authoritative interpretation of the law, that is a matter for the courts.
- 1.2 The GPDO grants planning permission for certain classes of development. This “permitted development” can be undertaken without the need for a planning application.
- 1.3 The Amendment Order:
 - makes changes to Part 8 of Schedule 2 to the GPDO (Industrial and Warehouse Development) - Part 8 Classes B and D are unchanged from the 1995 GPDO
 - provides greater flexibility for B8 (storage and distribution premises) floorspace to change to and from other industrial uses without the need for planning permission;
 - makes changes to Part 32 of Schedule 2 to the GPDO (Schools, Colleges, Universities and Hospitals);
 - introduces new permitted development rights (PDRs) for office buildings in Part 41 of Schedule 2 to the GPDO;
 - introduces new PDRs for shops and financial and professional services in Part 42 of Schedule 2 to the GPDO; and
 - provides new PDRs for refuse/cycle storage facilities associated with Parts 8, 32, 41 and 42 of the GPDO
- 1.4 In order to benefit from PDRs, a proposal must:
 - (a) be within the description of a relevant Development Class;
 - (b) comply with all of the limitations of the Development Class; and
 - (c) be undertaken in accordance with any applicable conditions of the Development Class.
- 1.5 Local planning authorities can remove some PDRs by issuing “Article 4” directions. PDRs may also have been removed by conditions attached to planning permissions that relate to a particular premises or site.
- 1.6 Where there is any doubt whether a proposal would be permitted development, advice should be sought from the relevant local planning authority (LPA).

General Definitions

1.7 The following terms are used in this guidance note:

- “building”, as defined by article 1(2) of the GPDO, includes any part of a building and includes any structure or erection, but does not include plant, machinery, gates, fences, walls, or other means of enclosure.
- “original”, as defined by article 1(2) of the GPDO, means, in relation to a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.
- “article 1(5) land” – in this context, this refers to land within a National Park, an area of outstanding natural beauty, and conservation areas
- “World Heritage Site” – a property that appears on the World Heritage List, kept under article 11(2) of the 1972 UNESCO Convention for the Protection of the World Cultural and Natural Heritage.

2. PART 8 : INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Part 8 Class A

Permitted development

A. The erection, extension, or alteration of an industrial building or a warehouse.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the height of any part of the new building erected would exceed—*
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;*
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;*
- (b) the height of the building as extended or altered would exceed—*
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;*
 - (ii) in all other cases, the height of the building being extended or altered;*
- (c) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;*
- (d) the gross floor space of any new building erected would exceed 100 square metres;*
- (e) the gross floor space of the original building would be exceeded by more than—*
 - (i) 10% in respect of development on any article 1(5) land or within a World Heritage Site, or 25% in any other case; or*
 - (ii) 500 square metres in respect of development on any article 1(5) land or within a World Heritage Site, or 1,000 square metres in any other case;**whichever is the lesser;*
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or*
- (g) the development would be within the curtilage of a listed building*

Main Changes

2.1 In terms of Part 8 Class A, the main changes introduced by the Amendment Order are:

- an allowance for new buildings as well as extensions and alterations;
- PD limits based on area rather than volume; and
- controls over the scale and appearance of development in World Heritage Sites and article 1(5) land.

New buildings

2.2 Specific limitations that relate to new Part 8 buildings are as follows:

- A.1 (a) (i): if within 10 metres of a boundary of the curtilage of the premises, not to exceed a height of 5 metres
- A.1 (a) (ii): in all other cases not to exceed the height of the highest building in the curtilage of the premises or 15 metres, whichever is lower
- A.1 (d): the gross floorspace of any new building not to exceed 100 square metres

Extensions or alterations

2.3 Part 8 extensions or alterations are restricted by the following specific limitations:

- A.1 (b) (i): if within 10 metres of a boundary of the curtilage of the premises, not to exceed a height of 5 metres
- A.1 (b) (ii): in all other cases not to exceed the height of the building being extended or altered

Limitations which apply to both new buildings and the extension or alteration of existing buildings

2.4 The following limitations must be complied with, in addition to the specific limitations for new buildings, extensions and alterations:

- A.1 (c): no development within 5 metres of any boundary of the curtilage of the premises
- A.1 (e): the gross floorspace of the original building not to be exceeded by more than:
 - (i) 10% in respect of development on any article 1(5) land or World Heritage Sites, or 25% in any other case; or
 - (ii) 500 sqm in respect of development on any article 1(5) land or World Heritage Sites, or 1,000 sqm in any other case;

whichever is lesser

- A.1 (f): the development not to lead to a reduction in the space available for the parking or turning of vehicles
- A.1(g): development not permitted within the curtilage of a listed building.

Point of clarification

2.5 The condition in A.1 (e) sets the overall floorspace allowance for development under Part 8.

2.6 For example, if the original building (see A.3 “Interpretation” for definition of “original”) is 1,000 square metres in size, and is not located on article 1(5) land or within a World Heritage Site, the maximum amount of additional gross floor space permitted under Part 8 is 250 sqm. The calculation is shown below:

Gross floorspace of original building = 1,000 sqm

25% of gross floorspace of original building, A.1 (e) (i) = 250 sqm

A.1 (e) (ii) allowance = 1,000 sqm

The lower figure, comparing A.1 (e) (i) and A.1 (e) (ii) = 250 sqm

2.7 In the example above, the maximum amount of new and extended floorspace permitted under Part 8 Class A is 250sqm gross. Any new building constructed under Part 8 PDRs cannot exceed 100sqm gross (A.1 (d)).

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

(a) the development must be within the curtilage of an existing industrial building or warehouse;

(b) any building as erected, extended, or altered may only be used—

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(c) no building as erected, extended or altered may be used to provide employee facilities—

(i) between 7.00 pm and 6.30 am, for employees other than those present at the premises of the undertaking for the purpose of their employment, or

(ii) at all, if a notifiable quantity of a hazardous substance is present at the premises of the undertaking;

- (d) any new building erected must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and*
- (e) any extension or alteration must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.*

“Employee Facilities and Hazardous Substances”

- 2.8 Part 8 condition A.2 (c) (i) and (ii) remains unchanged from the 1995 Order. The effect of c (i) is to restrict the overnight use of facilities, such as canteens, to use by employees who are working on site.
- 2.9 In terms of c (ii) a “notifiable quantity” of a hazardous substance is as set out in Schedule 1 to the Planning (Hazardous Substances) Regulations 1992, as amended.

“Similar external appearance”

- 2.10 To ensure that development does not adversely affect the character and appearance of article 1(5) land or World Heritage Sites, any new build, extension or alteration to a building will need to be constructed using materials that have a similar external appearance to the existing materials.
- 2.11 This means that materials should be of a similar visual appearance to those in existing buildings but does not mean that they need to be the same material or an exact match. For example:
- external walls should be constructed of materials that provide a similar visual appearance, in terms of the colour and style of material used, to the materials that make up the walls of the existing industrial building or warehouse;
 - pitched roofs should be clad in materials that give a similar visual appearance to those used on the existing roof. Flat roofs will not normally have any visual impact and so the need for materials of similar appearance will not apply.
- 2.12 When there is more than one original building on a site, then any new building should be similar in appearance to at least one of the original buildings. The materials used in extensions should have a similar appearance to the building from which the extension projects.

Interpretation of Class A

A.3 For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;*
- (b) “original building” does not include any building erected at any time under Class A; and*
- (c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees.*

“Research and Development Facilities”

2.13 The definition of “industrial building” now includes research and development (see Part 8 Class F). So the PDRs provided for by Part 8 Class A, C and E of the GPDO now relate to research and development facilities as well as industry and warehouse uses.

Part 8 Class B

2.14 Part 8 Class B is not affected by the Amendment Order, and remains in force, as follows.

Class B

Permitted development

B. Development carried out on industrial land for the purposes of an industrial process consisting of—

- (a) the installation of additional or replacement plant or machinery,*
- (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or*
- (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.*

Development not permitted

B.1 Development described in Class B(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or*
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.*

Interpretation of Class B

B.2 In Class B, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Part 8 Class C (hard surfaces)

Class C

Permitted development

C. Development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or*
- (b) the replacement in whole or in part of such a surface.*

Development not permitted

C.1 Development is not permitted by Class C if the development would be within the curtilage of a listed building.

Conditions

C.2 Development is permitted by Class C subject to the condition that the hard surface must be—

- (a) porous or permeable; or*
- (b) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the industrial building or warehouse; and*
- (c) permanently maintained so that it continues to comply with the requirements of paragraph (a) and (b).*

Summary of Class C Policy Approach

- 2.15 The restrictions in Class C have been introduced due to concerns that impermeable surfacing can increase the amount and speed of water entering the drainage system, leading to increased flood risk. In addition, contaminated surface water from such sites can contribute to pollution of surface and groundwaters if not suitably managed.

2.16 Class C allows a new hard surface to be laid, or an existing hard surface to be replaced, within the curtilage of an industrial building or warehouse, subject to the following criteria:

- no development is permitted within the curtilage of a listed building;
- the hard surface must either:
 - (i) be porous or permeable or;
 - (ii) laid to direct surface water run-off to a porous or permeable area within the curtilage of the premises; and
 - (iii) permanently maintained to continue to comply with conditions (i) and (ii).

Existing Guidance

2.17 Guidance on the use of porous and permeable surfacing has been produced by the Department for Communities and Local Government and the Environment Agency. Although the guidance specifically addresses the paving of front gardens, the principles can be applied to hard surfaces generally. Section 6 of the guidance provides a list of organisations that can provide further advice and information. "Guidance on the permeable surfacing of front gardens" is available at:

<https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardens-guidance>

Groundwater Contamination

2.18 Developers should be aware that although works may not require planning permission, any relevant environmental regulations still need to be complied with. In particular, developers should be aware of environmental regulations that relate to groundwater contamination.

Environmental Permitting (England and Wales) Regulations 2010

2.19 Guidance on Environmental Permitting, as it relates to groundwater, is provided in a document produced by DEFRA and the Welsh Government:

Environmental Permitting Guidance Groundwater Activities, For the Environmental Permitting (England and Wales) Regulations 2010, December 2010

<http://www.environment-agency.gov.uk/business/topics/water/117529.aspx>

The guidance states that "It is an offence to cause or knowingly permit a groundwater activity unless authorised by a permit or registered as exempt". The term "groundwater activity" is defined in the guidance note and includes:

- "the discharge of a pollutant that results in or might lead to a direct or indirect input to groundwater" and

- “any other discharge that might lead to a direct or indirect input of a pollutant to groundwater”.

2.20 Developers may also find the following documents helpful when assessing the risk of groundwater contamination:

Pollution Prevention Guidelines: PPG 1 – Understanding your environmental responsibilities – good environmental practice, Environment Agency, July 2013

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Pollution Prevention Guidelines: PPG 3 - Use and design of oil separators in surface water drainage systems, Environment Agency, April 2006

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Groundwater protection: principles and practice (GP3), Environment Agency, August 2013

<http://www.environment-agency.gov.uk/research/library/publications/144346.aspx>

- 2.21 The techniques promoted in Part 8 Class C, condition C.2, can help to mitigate groundwater contamination. Pollution Prevention Guidelines: PPG 3, published by the UK environmental regulators, note that appropriately designed permeable surfaces can be effective in controlling pollution close to source, particularly in treating run-off from low risk areas such as roofs, car parks, and non-operational areas. Even in higher risk areas other types of Sustainable Drainage Systems (SuDS) such as constructed ponds, wetlands or swales can be an appropriate means of removing pollutants. Where there is a risk of oil contamination, oil separators can be used as part of a SuDS scheme.
- 2.22 In cases where developers need to lay an impermeable surface and discharge directly to the drainage system, they will need to submit a planning application to the LPA. This provides LPAs with the opportunity to assess whether the proposed drainage solution is acceptable.

Part 8 Class D (deposit of waste material)

Class D

Permitted development

D. The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.

Development not permitted

D.1 Development is not permitted by Class D if—

- (a) the waste material is or includes material resulting from the winning and working of minerals; or*
- (b) the use on 1 July 1948 was for the deposit of material resulting from the winning and working of minerals.”*

2.23 The Wales Amendment Order does not propose any changes to Part 8 Class D of the GPDO.

Part 8 Class E (refuse/cycle stores)

Class E

Permitted development

E. The erection or construction of a refuse or cycle store within the curtilage of an industrial building or warehouse.

Development not permitted

E.1 Development is not permitted by Class E if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;*
- (b) any part of the building or enclosure erected would be within;*
 - (i) 5 metres of any boundary of the curtilage of the premises; or*
 - (ii) 20 metres of any building used for residential purposes;*
- (c) the height of the building or enclosure would exceed 2.5 metres;*

- (d) the development would be on article 1(5) land;*
- (e) the development would be on land within a World Heritage Site;*
- (f) the development would be within the curtilage of a listed building; or*
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.*

Condition

E.2 Development is permitted by Class E subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class E

E.3 For the purposes of Class E—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes.”

- 2.24 Part 8 Class E introduces new PDRs for the development of refuse and/or cycle stores within the curtilage of Part 8 development.

Main points:

- the maximum gross floorspace of any building or enclosure permitted by Class E is 20sqm. The permitted floorspace can be used for cycle storage, refuse storage or could accommodate a mixed storage area for both cycles and refuse.
- in terms of Interpretation E.3, examples of “buildings used in part for residential purposes and in part for other purposes” would be flats above shops and buildings containing a mix of commercial and residential uses – such as offices and flats.

Part 8 Class F (interpretation)

- 2.25 Part 8 Class F provides an interpretation of “industrial building” and “warehouse” for the purpose of Part 8.

Interpretation of Part 8

F. For the purposes of Part 8—

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.”

2A. THE CHANGE OF USE OF B8 (STORAGE AND DISTRIBUTION) FLOORSPACE

- 2.26 The Amendment Order introduces a change to Part 3 Class B of Schedule 2 to the GPDO. The change increases the amount of B8 (storage and distribution premises) floorspace that can change to and from other industrial uses without the need for planning permission, from 235sqm to 500sqm.
- 2.27 The change means that Part 3 Class B of Schedule 2 to the GPDO should be read as follows:

Class B

B. Permitted development

Development consisting of a change of the use of a building—

(a) to a use for any purpose falling within Class B1 (business) of the Schedule to the Use Classes Order from any use falling within Class B2 (general industrial) or B8 (storage and distribution) of that Schedule;

(b) to a use for any purpose falling within Class B8 (storage and distribution) of that Schedule from any use falling within Class B1 (business) or B2 (general industrial).

B.1 Development not permitted

Development is not permitted by Class B where the change is to or from a use falling within Class B8 of that Schedule, if the change of use relates to more than 500 square metres of floor space in the building.

3. PART 32 : SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

Part 32 Class A

Class A

Permitted development

A. The erection, extension or alteration of a school, college, university or hospital building.

Development not permitted

A.1 Development is not permitted by Class A—

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
 - (i) 25% of the gross floor space of the original school, college, university or hospital buildings; or*
 - (ii) 100 square metres,*whichever is the lesser;*
- (b) if any part of the development, would be within 5 metres of a boundary of the curtilage of the premises;*
- (c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;*
- (d) if the height of any new building erected would exceed 5 metres;*
- (e) if the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or*
 - (ii) in all other cases, the height of the building being extended or altered;**
- (f) if the development would be within the curtilage of a listed building;*
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles; or*
- (h) unless—
 - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education; or*
 - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.**

Main Changes

3.1 In terms of Part 32 Class A, the main changes introduced by the Amendment Order are:

- an allowance for extensions and alterations as well as new buildings;
- thresholds based on area rather than volume; and
- controls over the external appearance of development in article 1(5) land and World Heritage Sites.

New buildings

3.2 The specific limitation that relates to new Part 32 buildings is:

- A.1 (d): height not to exceed 5m.

Extensions or alterations

3.3 Part 32 extensions or alterations are restricted by the following specific limitations:

- A.1 (e): height of the building as extended or altered not to exceed -
 - (i) if within 10m of a boundary of the curtilage of the premises, 5m; or
 - (ii) in all other cases, the height of the building being extended or altered.

Limitations which apply to both new buildings and the extension or alteration of existing buildings

3.4 The following conditions must be complied with, in addition to the specific conditions for new buildings, extensions and alterations:

- A.1 (a): the gross floorspace of any buildings erected, extended or altered not to exceed –
 - (i) 25% of the gross floorspace of the original school, college, university or hospital buildings; or
 - (ii) 100 sqm,

whichever is lesser

- A.1 (b): not within 5 metres of any boundary of the curtilage of the premises
- A.1 (c) : not permitted if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used
- A.1 (f): no development within the curtilage of a listed building
- A.1 (g): development not to lead to a reduction in space available for the parking or turning of vehicles
- A.1 (h): not permitted unless –
 - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education; or
 - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) the development must be within the curtilage of an existing school, college, university or hospital;*
- (b) the development may only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;*
- (c) any new building erected shall, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and*
- (d) any extension or alteration must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.*

“Similar external appearance”

3.5 Guidance on the interpretation of “similar external appearance” is provided in paragraphs 2.10 - 2.12.

Interpretation

A.3 For the purposes of Class A—

- (a) where 2 or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement; and*
- (b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A.*

Part 32 Class B (refuse/cycle stores)

Class B

Permitted Development

B. The erection or construction of a refuse or cycle store within the curtilage of a school, college, university or hospital building.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;*
- (b) any part of the building or enclosure erected would be within;
 - (i) 5 metres of any boundary of the curtilage of the premises; or*
 - (ii) 20 metres of any building used for residential purposes;**
- (c) the height of the building or enclosure would exceed 2.5 metres;*
- (d) the development would be on article 1(5) land;*
- (e) the development would be on land within a World Heritage Site;*
- (f) the development would be within the curtilage of a listed building; or*
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.*

Condition

B.2 Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class B

B.3 For the purposes of Class B—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes.”

- 3.6 The provisions in Part 32 Class B are the same as those in Part 8 Class E, see paragraph 2.24 for guidance on interpretation.

4. PART 41 : OFFICES

Part 41 Class A

Class A

Permitted development

A. The extension or alteration of an office building.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) 25%; or*
 - (ii) 50 square metres,*whichever is the lesser;*
- (b) the height of the building as extended would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or*
 - (ii) in all other cases, the height of the building being extended;**
- (c) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;*
- (d) the development would be on article 1(5) land;*
- (e) the development would be on land within a World Heritage Site;*
- (f) the development would be within the curtilage of a listed building; or*
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles.*

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) any office building as extended or altered may only be used as part of, or for a purpose incidental to, the use of that office building;*
- (b) any office building as extended or altered must be constructed using materials which have a similar external appearance to those used for the building being extended or altered; and*

(c) any alteration is at ground floor level only.

Interpretation of Class A

A.3 For the purposes of Class A where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

4.1 Part 41 introduces new PDRs for the extension or alteration of office buildings within class B1(a) of the Town and Country Planning (Use Classes) Order 1987.

Part 41 Class A – Main Points

Alterations at ground floor only

4.2 Alterations are permitted at ground floor level only, any alterations above ground floor level will be subject to an application for planning permission if they are “development” for the purposes of section 55 of the Town and Country Planning Act 1990.

“Similar external appearance”

4.3 Guidance on the interpretation of “similar external appearance” is provided in paragraphs 2.10 - 2.12.

Part 41 Class B (refuse/cycle stores)

Class B

Permitted Development

B. The erection or construction of a refuse or cycle store within the curtilage of an office building.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;***
- (b) any part of the building or enclosure erected would be within;***
 - (i) 5 metres of any boundary of the curtilage of the premises; or***
 - (ii) 20 metres of any building used for residential purposes;***

- (c) the height of the building or enclosure would exceed 2.5 metres;*
- (d) the development would be on article 1(5) land;*
- (e) the development would be on land within a World Heritage Site;*
- (f) the development would be within the curtilage of a listed building; or*
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.*

Condition

B.2 Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class B

B.3 For the purposes of Class B—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes.

- 4.4 The provisions in Part 32 Class B are the same as those in Part 8 Class E, see paragraph 2.24 for guidance on interpretation.

Part 41 Class C – Interpretation of Part 41

- 4.5 In part 41 class C provides the following interpretation:

Interpretation of Part 41

C. For the purposes of Part 41 “office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order.

5. PART 42 : SHOPS, FINANCIAL OR PROFESSIONAL SERVICES ESTABLISHMENTS

Part 42 Class A

Class A

Permitted development

A. The extension or alteration of a shop or financial or professional services establishment.

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) 25%; or*
 - (ii) 50 square metres;*whichever is the lesser.*
- (b) the height of the building as extended would exceed 4 metres;*
- (c) any part of the development, other than an alteration, would be within 2 metres of any boundary of the curtilage of the premises;*
- (d) the development would be within the curtilage of a listed building;*
- (e) the development would be on article 1(5) land;*
- (f) the development would be on land within a World Heritage Site;*
- (g) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;*
- (h) any part of the development would extend beyond an existing shop front;*
- (i) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front;*
- (j) the development would involve the installation or replacement of a security grill or shutter on a shop front; or*
- (k) the development would lead to a reduction in the space available for the parking or turning of vehicles.*

Conditions

A.2 Development is permitted by Class A subject to the following conditions—

- (a) any alteration is at ground floor level only; and*
- (b) any extension or alteration may only be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.*

Interpretation of Class A

A.3 For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;*
- (b) “raised platform” means a platform with a height greater than 30 centimetres; and*
- (c) “shop or financial or professional services establishment” means a building used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended.*

Part 42 Class A – Main Points

- 5.1 Part 42 provides new PDRs for shops (use class A1 of the Town and Country Planning (Use Classes Order) 1987) and financial and professional services (use class A2 of the Use Classes Order).
- 5.2 Alterations are permitted at ground floor level only, any alterations above ground floor level will be subject to an application for planning permission if they are “development” within the meaning of section 55 of the Town and Country Planning Act 1990.
- 5.3 No part of the development can extend beyond an existing shop front.
- 5.4 Condition A.2 (b) confirms that any extension or alteration permitted by Part 42 of the GPDO can only be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.

Part 42 Class B (trolley stores)

Class B

Permitted development

B. The erection or construction of a trolley store within the curtilage of a shop.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure erected would exceed 20 square metres;*
- (b) any part of the building or enclosure erected would be within 20 metres of any building used for residential purposes;*
- (c) the height of the building or enclosure would exceed 2.5 metres;*
- (d) the development would be within the curtilage of a listed building;*
- (e) the development would be on article 1(5) land;*
- (f) the development would be on land within a World Heritage Site;*
- (g) the development would be within 5 metres of the boundary of the curtilage of the premises; or*
- (h) the development would lead to a reduction in the space available for the parking or turning of vehicles.*

Condition

B.2 Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

Interpretation of Class B

B.3 For the purposes of Class B—

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes;

“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

Part 42 Class B - Main Points

5.5 Main points:

- the total gross floorspace allowance for an building(s) or enclosure(s) erected under Class B is limited to 20sqm and must only be used for the storage of shopping trolleys
- in terms of Interpretation B.3, examples of “buildings used in part for residential purposes and in part for other purposes” would be flats above shops and buildings containing a mix of commercial and residential uses – such as offices and flats.

Part 42 Class C (refuse/cycle stores)

Class C

Permitted Development

C. The erection or construction of a refuse or cycle store within the curtilage of a shop or financial or professional services establishment.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;*
- (b) any part of the building or enclosure erected would be within;*
 - (i) 5 metres of the boundary of the curtilage of the premises; or*
 - (ii) 20 metres of any building used for residential purposes;*
- (c) the height of the building or enclosure would exceed 2.5 metres;*
- (d) the development would be on article 1(5) land;*
- (e) the development would be on land within a World Heritage Site;*
- (f) the development would be within the curtilage of a listed building; or*
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.*

Condition

C.2 Development is permitted by Class C subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class C

C.3 For the purposes of Class C—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes;

“shop or financial or professional services establishment” means a building used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order.

- 5.6 The provisions in Part 42 Class C are the same as Part 8 Class E (see paragraph 2.24 for guidance on interpretation).