

# CARLISLE CITY COUNCIL

A5

**Report to:-** Development Control Committee

**Date of Meeting:-** 1 April 2005

**Agenda Item No:-**

**Public**

**Information**

**Delegated: Yes**

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## Accompanying Comments and Statements

	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	Yes	Yes
Personnel Comments:	No	No
Impact on Customers:	No	No

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**Title:-**

**CHANGES TO THE USE CLASSES ORDER**

**Report of:-**

**Head of Planning Services**

**Report reference:-**

**P.11/05**

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## Summary:-

Members should be aware that as of the 21st April 2005 the Use Classes Order is to be amended. The main changes are the division of the current A3 (Restaurants and Cafes) Use Class to cease separate classes for these uses, take-aways and one for public houses and bars.

## Recommendation:-

That the information within the report be noted.

**A Eales**

Head Of Planning Services

**Contact Officer:** Anthea Jones

**Ext:** 7473

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

## **1.0 Introduction**

- 1.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) puts uses of land and buildings into various categories. A copy of the current use classes is attached to this report. The UCO provides that a move between activities within the same class is not development and therefore does not require planning permission. The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) provides further flexibility by classifying certain moves between the Use Classes as permitted development, which similarly does not require planning permission.
- 1.2 Planning permission is required for material change of use of buildings and land. However, certain uses are so similar in land-use planning terms - for example, noise, traffic generation, visual appearance, and parking - that an application for planning permission to change between them might be considered overly burdensome, therefore these uses are classified within the same use class.

## **2.0 Changes to the Use Classes Order**

- 2.1 Currently Class A3 (Restaurants and Cafes embraces restaurants, pubs, cafes, bars and take-aways. The current A3 (Restaurants and Cafes) Use Class (Food and Drink) will be modified to omit the reference to the sale of hot food for consumption off the premises. As a consequence, Class A3 (Restaurants and Cafes) will be restricted to restaurant or café type uses where the sale of food or drink is for consumption on the premises. A change of use from the new A3 (Restaurants and Cafes) to A1 (Shops) or A2 (Financial and Professional Services) Use Classes will be permitted, but all other changes of use will require planning permission.
- 2.2 Pubs and bars will be separately classified under a new Use Class A4 (Drinking Establishments).
- 2.3 Take-Aways will be re-classified to a new Use Class A5 (Hot Food Take-Aways).

- 2.4 Both A4 (Drinking Establishments) and A5 (Hot Food Take-Aways) use classes will be permitted a change of use to A1 (Shops), A2 (Financial and Professional Services) or the new A3 (Restaurants and Cafes) classification. Any other changes of use will require planning permission.
- 2.5 Nightclubs are to be classified as Sui Generis and are excluded from the Use Classes. Planning permission will be required for any change of use to or from Nightclub use. **Sui Generis** means uses of land or buildings, which do not fall into any of the Use Classes identified by the Use Classes Order.
- 2.6 Internet Cafes will be added to Class A1 (Shops) use.
- 2.7 A copy of the new Use Classes and the permitted development changes is attached to this report.

### 3.0 Implications of the Changes

- 3.1 The changes will allow local authorities more control to manage town centre development while minimising the negative impacts of proliferation of pubs, take-aways and nightclubs.
- 3.2 The changes do not address the issue of primary and ancillary uses and the separation of bars from restaurants and cafes will potentially exacerbate confusion in defining a classification for premises, which may include a number of uses. For example McDonalds is both a restaurant A3 (Restaurants and Cafes) and a take-away A5 (Hot Food Take-Aways) so it would now be classed as Sui Generis within the new Use Classes Order.
- 3.3 In the past when an application has been determined for a café a condition may be attached which restricts the use changing to a take-away in order to protect residential amenity. This would no longer be required, as planning permission would be required for such a change.

**To the Chairman and Members of the  
Development Control Committee**

**P. 11/05**

**4.0 Recommendation**

4.1 That the information within the report be noted.

**A Eales**  
Head Of Planning Services

**Contact Officer:** Anthea Jones

**Ext:** 7473

**New Use Classes  
and  
The Permitted Development Changes**



## and Permitted Changes of Use (England)

For further planning advice contact

Kingsley House, Wimpole Street,  
London W1G 9PF. 020 7 922 2000



# GUIDE TO USE CLASSES ORDER

## and Permitted Changes of Use

(England and Wales)

Use Classes Order 1987 <small>(see note 1)</small>	Use Classes Order 1972	Description	General Permitted Development 1995 <small>(see note 2)</small>
<b>A1</b> <small>Shops</small>	Class I	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, dry cleaners, etc.  Pet shops, cats-meat shops, tripe shops, sandwich bars  Showrooms, domestic hire shops, funeral directors	No permitted change <small>(see note 3)</small>
<b>A2</b> <small>Financial and professional services</small>	Class II	Banks, building societies, estate and employment agencies  Professional and financial services, betting offices	Permitted change to A1 <small>where a ground floor display window exists (see note 3)</small>
<b>A3</b> <small>Food and Drink</small>		Restaurants, pubs, snack bars, cafes, wine bars, shops for sale of hot food	Permitted change to A1 or A2
<b>Sui Generis</b> <small>(see note 4)</small>		Shops selling and/or displaying motor vehicles	Permitted change to A1
		Laundrettes, taxi or vehicle hire businesses, amusement centres, petrol filling stations	No permitted change
<b>B1</b> <small>Business</small> <small>(see note 5)</small>	a) Class II	Offices, not within A2	
	b)	Research and development, studios, laboratories, high tech	Permitted change to B8 <small>where no more than 225m<sup>2</sup></small>
	c) Class III	Light industry	
<b>B2</b> <small>General industrial</small> (see note 5)	Class IV-IX	General industrial	Permitted change to B1 or B8 <small>B8 limited to no more than 225m<sup>2</sup></small>
<b>B8</b> <small>Storage or Distribution</small>	Class X	Wholesale warehouse, distribution centres, repositories	Permitted change to B1 <small>where no more than 225m<sup>2</sup></small>
<b>Sui Generis</b>		Any work registrable under the Alkali, etc. Works Regulation Act, 1906	No permitted change
<b>C1</b> <small>Hotels/resorts</small>	Class XI	Hotels, boarding and guest houses	No permitted change
<b>C2</b> <small>Residential institutions</small>	Class XII	Residential schools and colleges	
	Class XIV	Hospitals and convalescent/nursing homes	No permitted change
<b>C3</b> <small>Dwelling Houses</small> (see note 6)		Dwellings, small businesses at home, communal housing of elderly and handicapped	No permitted change
<b>Sui Generis</b>		Hostel	No permitted change
<b>D1</b> <small>Non-residential institutions</small>	Class XIII	Places of worship, church halls	
	Class XV	Clinics, health centres, crèches, day nurseries, consulting rooms	
	Class XVI	Museums, public halls, libraries, art galleries, exhibition halls	No permitted change
		Non-residential education and training centres	
<b>D2</b> <small>Assembly and Leisure</small>	Class XVII	Cinemas, music and concert halls	
	Class XVIII	Dance, sports halls, swimming baths, skating rinks, gymnasiums	No permitted change
		Other indoor and outdoor sports and leisure uses, bingo halls, casinos	
<b>Sui Generis</b>	Class XVII	Theatres	No permitted change

1. Changes of use within a specific class do not require planning permission provided that the use remains within the class, or within a sub-class, and the use is not a change of use to a different class.

2. The permitted development rights shown in the table do not require planning permission where otherwise set out in the Order and the General Permitted Development Order 1995.

3. The General Permitted Development Order 1995 provides for permitted development rights for the building of Class A1, A2, A3, B1, B2, B8, C1, C2, C3, D1, D2, and Sui Generis, and for the use of Class A1, A2, A3, B1, B2, B8, C1, C2, C3, D1, D2, and Sui Generis, and for the use of Class A1, A2, A3, B1, B2, B8, C1, C2, C3, D1, D2, and Sui Generis.

4. Sui Generis is a term which describes a use on its own. Any planning use not falling within a specific class within the Use Classes Order falls within Sui Generis.

5. A Sui Generis must be applicable to a building or part of a building, and must be used for a purpose which is not a use of a building or part of a building, and must be used for a purpose which is not a use of a building or part of a building.

6. The Use Classes (Amendment) Order 1995 amends the 1987 Order by inserting Classes A1, A2, A3, B1, B2, B8, C1, C2, C3, D1, D2, and Sui Generis, and by inserting Classes A1, A2, A3, B1, B2, B8, C1, C2, C3, D1, D2, and Sui Generis.

7. Should be noted that permitted changes of use are not permitted where a change of use is made to a use which is not a use of a building or part of a building, and must be used for a purpose which is not a use of a building or part of a building.

8. Various other permitted development rights exist for other uses, including the use of a building or part of a building for a purpose which is not a use of a building or part of a building, and must be used for a purpose which is not a use of a building or part of a building.

9. The permitted development rights shown in the table do not require planning permission where otherwise set out in the Order and the General Permitted Development Order 1995.

For further information contact the Planning and Public Sector Group

**CB Hillier Parker**  
77 Grosvenor Street London W1A 2BT  
Tel: 0171 629 7666 Fax: 0171 409 3016  
ppg@cbhillierparker.com

CB Hillier Parker - November 1998