

Councillors' Briefing Note No. 132

Department: Development Services

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Changes to national planning rules to allow the change of use of some offices to residential

On 24th January the Secretary of State announced that later this Spring the planning rules on 'change of use' would be amended to introduce permitted development rights for certain types of offices to change to residential without the need for planning permission.

What will these permitted development rights actually allow?

They will permit change of use from B1(a)* offices to C3** residential.

This is subject to a 'prior approval' process where an authority can object but only on grounds of:

- significant transport and highway impacts
- development in safety hazard zones, areas of high flood risk and land contamination

The permitted development rights will only cover change of use: any associated physical development which currently requires a planning application will continue to need one.

A proposed change from commercial to residential use that does not benefit from the new permitted development rights (e.g. where it cannot satisfy the prior approval requirements) will continue to require a planning application.

A B1(a) office includes any office **other than: - Banks, building societies, estate and employment agencies, professional services (not health or medical services) and betting offices.*

Essentially, it applies to any office which is not regularly visited by members of the public

*** A C3 residential use means use as a dwelling house but would exclude any form of institutional/hotel/nursing home type residential use*

Exemptions?

The new rights will initially be time-limited for a period of three years. Alongside the new permitted development rights it was announced that local authorities would be given an opportunity to seek an exemption for specific parts of their locality. The Government has made it very clear, however, that exemptions will only be granted in exceptional circumstances, where local authorities demonstrate clearly that the introduction of these new permitted development rights in a particular area will lead to:

- A. the loss of a nationally significant area of economic activity
or
- B. substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring

A copy of the written ministerial statement which also outlines a number of other proposals can be viewed here: <https://www.gov.uk/government/speeches/change-of-use-promoting-regeneration> At the time of writing there is no specific information available on these other proposals.