

NEW PERMITTED DEVELOPMENT RIGHTS - OFFICES TO RESIDENTIAL DWELLINGS (CLASS O)

On the 30th May 2013 new permitted development provisions were introduced allowing a change of use from B1(a) (offices) to C3 (dwelling houses) without the need for planning permission.

Under the Town and Country Planning (General Permitted Development) (England) Order 2015 this right is known as Class O (formally Class J) .

In April 2016 an ammendment to the 2015 General Permitted Development (SI 2016 No 332) was implemented which made various revisions to the Class O regime.

For these permitted development rights to apply, certain criteria needs to be met:-

- The subject building must have been used for a use falling within Class B1(a) (offices) on 29th May 2013 or, if not in use, its last use must have been B1(a) (offices).
- The application must be made on or before 30 May 2019.

The building must not be:-

- i. a listed building or a scheduled building
- ii. form part of a safety hazard area
- iii. form part of a scheduled monument
- iv. be in an area which has been deemed exempt from these permitted development rights within the 2013 order i.e. Article 2 (5) land.



Development is only permitted subject to applying to the Local Planning Authority (LPA) prior to commencement with details of the proposal to determine whether the 'Prior Approval' of the LPA is required. The LPA will assess the proposal in terms of any impact on transport and highways, contamination, flood risks and the impacts of noise on the intended occupiers of the development. A fee will be due.

Subject to the above, if prior approval is not required or the LPA exceed the 56 day time limit to make a decision, development can commence.

The owner needs to bear in mind that although the use can be changed under these permitted development rights, any physical changes which would alter the appearance of the building are not and therefore a planning application would be required.

(Please note the above is only a brief summary and landowners are advised to research what applies in their circumstances)



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