

EXPLANATORY MEMORANDUM TO
THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) (AMENDMENT) (NO. 2) ORDER 2021

2021 No. 814

1. Introduction

- 1.1 This explanatory memorandum has been prepared by Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This Order makes a number of amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (“the General Permitted Development Order”), the Town and Country Planning (Compensation) (England) Regulations 2015 (2015/598) (“the Compensation Regulations”), and the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (S.I. 2013/2140) as amended by the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order (S.I. 2021/746).
- 2.2 This Order makes a number of consequential changes to permitted development rights to reflect the amendments to the Town and Country Planning (Use Classes) Order 1987 (1987/764) (“the Use Classes Order”) following the Town and Country Planning (Use Classes) (Amendment) (England) Regulations (2020/757) (the “Use Classes Amendment Regulations”).
- 2.3 It makes changes to permitted development rights involving high rise residential buildings to incorporate fire safety matters.
- 2.4 It also makes minor changes in respect of other rights, including to correct reported errors.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 This instrument corrects a drafting error reported by the Joint Committee on Statutory Instruments in respect of S.I. 2021/428.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 Under Part 3 of the Town and Country Planning Act 1990 (“the 1990 Act”) planning permission is required for the development of land. Development includes the material change of use of any buildings or land. Planning permission may be granted on application to a local planning authority or by a development order made under the 1990 Act.
- 6.2 This Order amends the General Permitted Development Order which grants planning permission for a range of specific classes of development, subject to certain limitations and conditions. Planning permission granted under the General Permitted Development Order is known as a “permitted development right”. The effect is that an application for planning permission does not need to be made to the local planning authority, where a permitted development right applies, although in some cases permitted development rights require the local planning authority to approve certain key planning matters before development can proceed. This is known as “prior approval”.
- 6.3 Section 55(2)(f) of the 1990 Act allows the Secretary of State to make an order which groups different uses of buildings and land uses into use classes. A change of use within a single use class is not considered to be development and therefore does not require planning permission. The Use Classes Amendment Regulations amended use classes in England by introducing a new Schedule 2 and creating new use classes: Class E (Commercial, Business and Service), Class F.1 (Learning and Non-residential institutions) and Class F.2 (Local community). It also moved certain uses which were in the Schedule to the Use Classes Order into regulation 3(6) (namely uses which cannot be included in a specified class). Significantly for the purposes of this Order, it also made transitional and savings provision with respect to the General Permitted Development Order, explained below.
- 6.4 Section 108 of the Town and Country Planning Act 1990 provides that a local planning authority can be liable for compensation where planning permission granted by the General Permitted Development Order is withdrawn and a subsequent application for planning permission is refused or granted subject to more onerous conditions. Sub-section (3C) provides a mechanism to disapply that compensation liability. The Compensation Regulations prescribe the description of development for the purposes of that sub-section, amongst other matters.
- 6.5 The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 introduced from 1 August 2021 new requirements for consideration of fire safety in relation to certain applications for planning permission involving relevant high-rise residential buildings.

7. Policy background

What is being done and why?

- 7.1 Permitted development rights have an important role to play in the planning system. They provide a more streamlined planning process with greater planning certainty, while at the same time allowing for local consideration of key planning matters through a light-touch prior approval process. Permitted development rights can incentivise certain forms of development by providing developers with a greater level of certainty, within specific planning controls and limitations. Individual rights provide for a wide range of development and include measures to incentivise and speed up housing delivery.
- 7.2 They can also benefit public bodies by allowing them to respond to particular challenges and emergencies quickly without the need to go through the formal planning application process.
- 7.3 This Order amends the General Permitted Development Order as set out below. This mirrors the approach taken to the grouping of rights in the recent *Technical consultation on consequential changes to permitted development rights*, followed by changes in respect of fire safety and other miscellaneous rights:

Consequential changes to permitted development rights

- 7.4 The Use Classes Amendment Regulations provided transitional provisions which retain the effect of the permitted development rights based on the classes that were in place prior to those Regulations coming into force. A building or use will continue to be subject to any permitted development rights that it was entitled to on or before 31 August 2020. These transitional provisions remain in place until 31 July 2021. It is therefore necessary to make consequential amendments to have effect from 1 August 2021.
- 7.5 The *Supporting housing delivery and public service infrastructure* consultation set out the intention to review references to use classes throughout the General Permitted Development Order and to update individual rights as necessary. Proposals within the *Technical consultation on consequential changes to permitted development rights* recognised the intent behind the greater flexibilities afforded by the creation of the Commercial, Business and Service (E) use class, the creation of the Local Community (F2) use class for valued local uses, and the identification of additional uses, such as live music venues and cinemas, in the list of uses specified in article 3(6) of the Use Classes Order as uses not in a class. Where appropriate, the opportunity would also be taken to rationalise and simplify existing rights.

Changes related to the Commercial, Business and Service use class

- 7.6 The Commercial, Business and Service (Class E) use class groups together a wide range of uses which premises can move between without the need for a planning application. This has informed the approach to the amendments to permitted development rights that provide for the change of use to a use that is now within the Commercial, Business and Service use class, or that provide for planning flexibility for uses within the class.
- 7.7 Article 4(2) of this Order amends Class A of Part 3 of Schedule 2 to the General Permitted Development Order, to introduce a single right for the change of use from a casino, betting office, pay day loan shop or hot food takeaway to Commercial,

Business and Service use. The right is not subject to limitations or conditions other than a requirement for the developer to notify the local planning authority before a change of use. Classes B, D, E, F and JA of Part 3 are therefore revoked. The right does not allow the change of use to a betting office or pay day loan shop etc, nor between a betting office and pay day loan shop etc.

- 7.8 Article 4(15) of this Order amends Class M of Part 3 of Schedule 2 to the General Permitted Development Order, to remove references to retail, as the change of use from such uses to residential is now provided for through Class MA of Part 3. The amended right provides for the change from a launderette, betting office, pay day loan shop or hot food takeaway to residential C3, or as mixed-use combining use as a dwellinghouse, subject to limitations and conditions. The right continues to provide for prior approval of the impact of the loss of a launderette on the provision of such local services.
- 7.9 Article 6(2) of this Order amends Class A of Part 7 of Schedule 2 to the General Permitted Development Order, to allow for the extension or alteration of premises within the Commercial, Business and Service use class. This incorporates offices, previously provided for under Class F of Part 7, which is therefore no longer necessary and is revoked. The single right allows for ground floor single storey extensions for all Commercial, Business and Service uses of 4 metres in height, no closer than 2 metres to the boundary, and does not apply to land adjoining residential use.
- 7.10 Article 6(4) of this Order amends Class E of Part 7 of Schedule 2 to the General Permitted Development Order, to provide for hard surfaces for premises falling within the Commercial, Business and Service use, including offices. The right continues to provide for hard surfaces for drinking establishments, drinking establishments with expanded food provision, and hot food takeaways now listed in article 3(6) of the Use Classes Order. Class G of Part 7 in respect of offices is therefore no longer necessary and is revoked.

Rights in respect of the former D2 assembly and leisure use class

- 7.11 As set out in the *Supporting housing delivery and public service infrastructure* consultation, as a result of the reforms to use classes in 2020 individual uses from the former D2 assembly and leisure use class are now found within: the Commercial, Business and Service use class (indoor sports and recreation (E (d))); F2 Local Community (hall or meeting place, outdoor sport and recreation, swimming pool or skating rink); or listed in article 3(6) of the Use Classes Order for local consideration (cinemas (t), live music venues (s), concert halls (u) etc). When live music venues, cinemas, and concert halls were added to the list of uses in article 3(6) of the Use Classes Order the Explanatory Memorandum set out that a planning application would in future be required for the change of use to or from such uses. The F2 Local Community use class affords a degree of protection for uses that the community values and therefore wants to retain, such as community halls and swimming pools. However, within the Commercial, Business and Service use class, premises can move freely within to become places for indoor sport and recreation (E (d)).
- 7.12 Individual permitted development rights have therefore been amended to no longer allow for the change of use to, or from, former D2 assembly and leisure uses. Article 4(12) of this Order revokes Class J of Part 3 of Schedule 2 to the General Permitted Development Order, in respect of the change of use from retail, betting office, pay

day loan shop to most former assembly and leisure uses . Retail uses (shops and financial and professional services) are able to move within the Commercial, Business and Service use class to become a place for indoor sport, recreation or fitness in E(d). Article 4(14) of this Order similarly revokes Class K of Part 3 of Schedule 2 to the General Permitted Development Order in respect of the change of use from casinos to assembly and leisure. Casinos, betting offices, and pay day loan shops are able to change use to a place for indoor sport, recreation or fitness in E(d) within the Commercial, Business and Service use class under the amended Class A of Part 3 of Schedule 2.

- 7.13 Article 4(17) of this Order amends Class R of Part 3 of Schedule 2 to the General Permitted Development Order to stop flexible use of agricultural buildings to those former D2 uses, such as a cinema or live music venue, that are now listed in article 3(6), or as a use now in the F2 Local Community use class, such as a swimming pool..
- 7.14 Article 4(19) of this Order amends Class T of Part 3 of Schedule 2 to the General Permitted Development Order to stop the change of use from uses in the former D2 assembly and leisure use class, other than places for indoor sport, recreation or fitness in E(d) within the Commercial, Business and Service use class, to a school. . Similarly Article 5(4) of this Order amends Class D of Part 4 of Schedule 2 to the General Permitted Development Order to no longer allow the flexible use of premises in use in the former D2 assembly and leisure use class, other than as a place for indoor sport, recreation or fitness in E(d) within the Commercial, Business and Service use class..

State funded schools and registered nurseries

- 7.15 Individual rights currently provide for the permanent or temporary change of use to a state funded school or registered nursery. While both uses were previously in the same D1 non-residential institution use class, schools are now in the Learning and non-residential institution (F1) use class, and nurseries within the Commercial, Business and Service use class (E(f)). The latter means that premises are able to move freely within the Commercial, Business and Service use class to, or from, a nursery.
- 7.16 Article 4(18) of this Order amends Class S of Part 3 of Schedule 2 to the General Permitted Development Order, to no longer provide for the change of use of an agricultural building to a registered nursery. Agricultural buildings will however be able to change use to a nursery within the Commercial, Business and Service class under the Class R of Part 3 right for change to a flexible use.
- 7.17 Class T of Part 3 provides for the change of use from business (B1) which is now within the Commercial, Business and Service use class. Article 4(19) of this Order therefore amends Class T of Part 3 of Schedule 2 to the General Permitted Development Order, to allow the change of use from any Commercial, Business and Service use to a state funded school. As noted above, the right will no longer allow for the change of use of former assembly and leisure (D2) uses to schools, thereby preserving the protections afforded by the F2 Local Community use class and listing as a use for local consideration in article 3(6) of the Use Classes Order. The right is also amended to no longer provide for the change of use to a registered nursery.
- 7.18 Article 5(2) of this Order amends Class C of Part 4 of Schedule 2 to the General Permitted Development Order to preserve the protections afforded by the new Local Community (F2) use class by no longer allowing the change of use from such uses. The right does not apply to uses not specified in the Schedules to the Use Classes Order. The right will therefore not apply to uses such as live music venues and

cinemas now listed in article 3(6) of the Use Classes Order. The right similarly therefore will continue to not apply to public houses and other drinking establishments, and drinking establishments with expanded food provision now also listed in article 3(6).

- 7.19 Article 5(3) of this Order amends Class CA of Part 4 of Schedule 2 to the General Permitted Development Order. The right currently applies to business (B1) uses which are now found within the Commercial, Business and Service use class. The right is therefore amended to apply to land previously used for any Commercial, Business and Service use. At the same time, it is amended to no longer allow for the change of use from land now within the F2 Local Community class or as uses formerly in the D2 assembly and leisure use class.

Further consequential changes

- 7.20 Article 4(17) of this Order amends Class R of Part 3 of Schedule 2 to the General Permitted Development Order to additionally provide for the change of use from an agricultural building to a flexible use, including any use within the Commercial, Business and Service use class. (See also paragraph 7.13 above with respect to Class R.)
- 7.21 Article 4(11) of this Order amends Class I of Part 3 of Schedule 2 to the General Permitted Development Order to stop the change of use from a building used for general industrial (B2) or storage or distribution (B8) to a business use (B1) now within the Commercial, Business and Service use class (E(g)). This will prevent future development of inappropriate uses such as nurseries or day centres in industrial areas. The amended right will allow the change of use from general industrial (B2) to storage or distribution (B8). Transitional provision is provided for in the Schedule.
- 7.22 Article 4(9) of this Order amends Class G of Part 3 of Schedule 2 to the General Permitted Development Order. The current right allows the change of use of space above shops and financial and professional services, betting shops and pay day loan shops to mixed use with up to two flats. The first two of these uses are now within the Commercial, Business and Service use class, and therefore to provide greater flexibility the right is amended to apply to all Commercial, Business and Service uses. The right is further amended to introduce local consideration of matters for prior approval in respect of flooding, contamination, noise, adequate natural light, and arrangements for the storage and collection of domestic waste. Separate legislation will be brought forward to introduce a prior approval fee in respect of such applications. Applications for prior approval will be required from 1 August 2021.
- 7.23 Article 4(10) of this Order amends Class H of Part 3 of Schedule 2 to the General Permitted Development Order to allow change of use from this mixed use developed under Class G of Part 3 to the Commercial, Business and Service use class.
- 7.24 Article 5(4) of this Order amends Class D of Part 4 of Schedule 2 to the General Permitted Development Order. The right allows for the temporary change of use to a 'flexible use', including as shops, financial and professional services, restaurants and cafes, and offices all of which are now within the Commercial, Business and Service use class. To provide greater flexibility for business start-ups the right is amended to allow the temporary change of use from the Commercial, Business and Service use class. The right will also be amended to no longer apply to former assembly and leisure uses now in the F2 Local Community use class or listed in article 3(6). The

right will allow the flexible use as any use within the Commercial, Business and Service use class.

- 7.25 Additional minor technical changes are being made, primarily to update references from former use classes to the current. These do not change the scope of the individual rights.

Amendments in respect of fire safety

- 7.26 Articles 4(16) and 9 of this Order introduce new prior approval requirements to Class MA of Part 3, and Classes A and AA of Part 20 for the fire safety impacts of development under those rights on the intended occupants of the building. The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 introduced new requirements for consideration of fire safety as part of planning applications for high-rise residential buildings. This instrument introduces similar requirements for high-rise residential buildings that can be created under permitted development. The amendments this instrument makes to Class MA of Part 3, and Classes A and AA of Part 20 introduce the following:
- A requirement for consideration of fire safety impacts to be submitted with applications for prior approval to the local planning authority involving a high-rise building where new dwellings would be created in the circumstances set out below; and
 - Introduce a requirement that the Health and Safety Executive is consulted by the local planning authority on applications for prior approval involving a high-rise building where new dwellings would be created in the circumstances set out below.
- 7.27 This new prior approval requirement will apply to relevant buildings, where new dwellings are either created through change of use from Commercial, Business and Service use (Class E) to residential use (Class C3) under Class MA of Part 3 or the construction of new dwellinghouses on top of the highest existing storey of certain buildings under Classes A and AA of Part 20, i.e. if the development relates to a building which will:
- Contain two or more dwellinghouses; and
 - Satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015
- 7.28 The height condition referred to in (b) above relates to relevant buildings of 7 or more storeys or that are 18 metres or more in height.
- 7.29 The purpose of the new requirements in this Order is to ensure fire safety matters as they relate to land use planning under the Town and Country Planning (General Permitted Development) (England) Order 2015 are considered for schemes involving a high-rise residential building of a specified height and number of dwellinghouses, before prior approval is granted, with the Health and Safety Executive being consulted by the local planning authority.
- 7.30 Following the Grenfell Tower fire in June 2017 the Government commissioned the Independent Review of Building Regulations and Fire Safety led by Dame Judith Hackitt. The report highlighted the need to transform the fire and building safety regime and recommended that requirements around fire safety needed to be addressed

at the planning stage, and that this should require input from those with the relevant expertise.

- 7.31 The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 (S.I. 2021 No. 746) introduces from 1 August 2021 requirements relating to fire safety for planning applications for certain buildings. To ensure consistency within the planning system, articles 4(16) and 9 of this Order introduce similar requirements for certain buildings where permitted development rights would be used to create new dwellings. To ensure consistency, this instrument applies the same height condition as set out that Order.
- 7.32 The new requirements set out in this Order therefore apply to any change of use from Commercial, Business and Service use (Class E) to residential use (Class C3) under Class MA of Part 3, or the construction of new dwellinghouses on top of the highest existing storey of certain buildings under either Class A or Class AA of Part 20, as this could be for a building of 7 or more storeys or 18 metres or more in height. The requirements introduced by the Order do not apply to any other permitted development right which creates new dwellings, as permitted development rights under, for example, Classes ZA, AB, AC and AD of Part 20 all have a height restriction of 18m and therefore do not meet the height condition.
- 7.33 The purpose of the changes being introduced by this Order is to bring forward thinking on fire safety matters as they relate to land use planning to an earlier stage for relevant buildings. This will result in schemes better integrate thinking on fire safety where new dwellings are created through permitted development rights. It will also enable the Health and Safety Executive to comment and input their expert view on the proposals.
- 7.34 The fire safety information to be submitted for prior approval should be relevant only to the extent they are relevant to land use planning. The level of detail and focus of information submitted should not contain the breadth and depth of information on fire safety which will be submitted at building control application stage. It will not duplicate or require compliance with the building regulations or the Fire Safety Order, and local planning authorities will not be responsible for any building regulation matters or the enforcement of building control requirements. The fire safety information provided should be relevant to the development, and proportionate to the scale, type and complexity of the proposal. Further information on fire safety matters to be considered, including a model form and guidance, can be found at: <https://www.gov.uk/guidance/building-safety-planning-gateway-one>.

Miscellaneous changes

- 7.35 Article 3 of this Order amends Class AA of Part 1 of Schedule 2 of the General Permitted Development Order, which allows for the enlargement of a dwellinghouse by construction of additional storeys. This Order inserts text requiring any fee to be paid as part of an application to the local planning authority for prior approval.
- 7.36 Article 4(20) makes amendments to Paragraph W in respect of the prior approval process for Part 3.
- 7.37 Article 6(7) of this Order amends Class M of Part 7 of Schedule 2 of the General Permitted Development Order, which allows for erection, extension or alteration of

school, college, university, hospital and prison buildings. This Order inserts a reference to colleges at Class M.1(a), correcting a drafting error.

- 7.38 In response to an error identified by the Joint Committee on Statutory Instruments, Article 7 of this Order amends paragraph O of Part 8 of Schedule 2 of the General Permitted Development Order. This Order clarifies that the definition of operational building in relation to development allowed by Part 8 of Schedule 2 of the General Permitted Development Order applies only to Class F of Part 8 and to no other class in that Part.
- 7.39 Article 22 of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order (S.I. 2021/746) which inserted article 7A in the Town and Country Planning (Section 62A Applications) (Procedure and Consequential Amendments) Order 2013 (S.I. 2013/2140) contained an error. Article 12 of this Order corrects that error by providing that the words “(ignoring any storey which is below ground level)” in article 7A (3)(b) are omitted. These words are not required because article 7A(7)(b)(i) specifies that “any storey which is below ground level is to be ignored”.

Transitional and saving provisions

- 7.40 The Schedule to this Order provides transitional and saving provisions in respect of the consequential changes.
- 7.41 Paragraph 2 deals with changes of use which were previously considered to be development, but no longer are because both the previous and future uses are now within Class E of Schedule 2 to the Use Classes Order (Commercial, Business and Service uses). From 1 August 2021, such changes of use can take place irrespective of any outstanding applications for prior approval or related appeals. For example, where retail uses have applied to change use under Class JA of Part 3 to an office, the determination of such applications, or related appeals, is no longer necessary as it does not constitute development.
- 7.42 Paragraph 3 deals with development which was previously subject to a condition and is no longer subject to the same, or a substantially similar, condition. From 1 August 2021, such development may proceed irrespective of whether the previous condition has been complied with, as long as any new conditions are complied with. For example, before these amendments a change of use to an office under Class JA of Part 3 was subject to a condition that it could not begin unless, on an application by the developer, the local planning authority had granted prior approval, determined that approval was not necessary, or 56 days had passed since the application was made with no determination. The equivalent change of use under new Class A of Part 3 does not have a similar condition and may therefore proceed irrespective of whether a prior approval application has been made, is outstanding, or has previously been rejected by the local planning authority.
- 7.43 Paragraph 4 provides for transitional arrangements where the amended right contains substantially new conditions. For example, Class G of Part 4 is amended to introduce from 1 August 2021 a requirement for local consideration of matters of prior approval. However, development begun before this date may continue to proceed irrespective of whether an application for prior approval has been made.
- 7.44 Paragraph 5 provides for transitional arrangements where development is no longer permitted, either because a right has been revoked or because it been amended, or

consolidated into another right, so as to be more restrictive. Such development may continue to take place as if the GPDO had not been amended until 31st July 2022, or after that date as long as the development began, or a prior approval application was made, before that date. Sub-paragraph (1)(c) ensures that the saved right only applies to land or buildings that could have benefitted from the right before the amendments are made. Sub-paragraph (3) ensures that any references to the Use Classes Order contained in the GPDO continue to operate as intended during this transitional period.

- 7.45 For example, while the change of use to a restaurant is permitted by Class A of Part 3, physical works reasonably necessary are not. Under paragraph 5 applications for prior approval submitted until 31 July 2022, and any subsequent appeals, in respect of works reasonably necessary to effect a change of use to a restaurant under Class C of Part 3 may continue to be determined and the development completed.
- 7.46 Class I of Part 3 currently allows the change of use from general industrial (B2) or storage and distribution (B8) uses to a business use. In respect of development under Class I of Part 3 until 31 July 2022, the building may change to a business use (which is a use now contained in Class E(g) (Commercial, Business and Service uses) of Schedule 2 to the Use Classes Order), however, it may not at any point move more widely within that use class. Similarly in respect of Classes S and T of Part 3, where prior approval is granted, premises may change use to a registered nursery (Class E(f)). They may not then move more widely within Class E.

Amendment in respect of compensation

- 7.47 Article 11 of this Order adds Classes A, G, I and K of Part 3 of Schedule 2 to the General Permitted Development Order to Regulation 2 of the Compensation Regulations to prescribe the description of development for the purposes of s.108(3C)(a) Town and Country Planning Act 1990.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 The General Permitted Development Order was consolidated in 2015. This is the twenty-fourth amending instrument to the General Permitted Development Order. There are no current plans for a consolidation.

10. Consultation outcome

- 10.1 The *Supporting housing delivery and public service infrastructure*, which ran from 3 December 2020 to 28 January 2021, invited views on the approach to consequential changes to permitted development rights following the changes to the Use Classes Order from 1 September 2020. This set out the aim to simplify and rationalise existing rights and noted the intention to bring forward legislative amendments before 31 July 2021. The consultation attracted 879 responses, including from developers, local planning authorities, and members of the public, business and interest groups who provided a range of comments. The Government response to this consultation (<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure>) noted that in response to comments received, a further

short technical consultation on the detailed consequential changes to individual rights would be undertaken.

- 10.2 The subsequent *Technical consultation on consequential changes to permitted development rights* (<https://www.gov.uk/government/consultations/technical-consultation-on-consequential-changes-to-permitted-development-rights>) ran from 13 May to 3 June 2021. The consultation was announced in principle on 31 March 2021, unfortunately its timetable was constrained by the pre-election period and the need to lay the Order by 9 July. This second technical consultation attracted 71 responses from developers, local planning authorities, and members of the public, business and interest groups who provided a range of comments. Following the consultation, changes have been taken forward to recognise the flexibilities provided by the introduction of the Commercial, Business and Service use class, and the protections afforded to particular uses. In response to comment received, Class G of Part 3 in respect of mixed use is now subject to prior approval in respect of key planning matters to consider mitigation of any adverse impacts. A government response to the consultation will be published in due course

11. Guidance

- 11.1 Guidance to local planning authorities and the public will be provided in due course in respect of the transitional provisions within the Schedule to this instrument.

12. Impact

- 12.1 In respect of the consequential changes, where the amendment is deregulatory, businesses, charities or voluntary bodies will benefit from greater flexibility. For example, betting offices will be able to change more quickly to a broader range of Commercial, Business and Service uses without the need for a planning application. Where rights are made more limited, or removed, for example for the change of use to a registered nursery, there may be some limited costs to business.
- 12.2 The impact on the local planning authorities is in some cases a reduction in administrative cost and time of processing planning applications, offset by the loss of planning fees, where the development would otherwise have come forward through a planning application. Where rights are removed, a full planning application will in future be required, accompanied by an appropriate fee. In respect of the fire safety amendments the new prior approval requirements will have a small impact on the development industry. The majority of the cost to industry will arise from the resource requirement of preparing the fire safety information. However, bringing forward consideration of fire safety matters as they relate to land use planning in the development process to the earliest possible stage could potentially reduce costs for developers due to the decreased likelihood of permitted schemes being revised later in the development process due to the impact of fire safety requirements.
- 12.3 An assessment of impact has not been prepared for this instrument.

13. Regulating small business

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 The majority of the measures are deregulatory in nature and offer greater freedoms for smaller businesses to undertake development without needing to apply for planning

permission through the full planning process. Therefore, small businesses have not been excluded from the scope of these amendments.

14. Monitoring & review

- 14.1 The Ministry of Housing, Communities and Local Government will monitor progress and carry out a review by 2026 in line with the requirements of the Small Business, Enterprise and Employment Act 2015.

15. Contact

- 15.1 Julie Shanahan at the Ministry of Housing, Communities and Local Government Telephone: 0303 444 3378 or email: julie.shanahan@communities.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Lucy Hargreaves, Deputy Director for Planning – Development Management, at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Christopher Pincher, Minister of State at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.