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 3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
 4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)
 5. Technical consultation on consequential changes to permitted development rights (<https://www.gov.uk/government/consultations/technical-consultation-on-consequential-changes-to-permitted-development-rights>)
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Open consultation

Technical consultation on consequential changes to permitted development rights

Published 13 May 2021

Contents

Scope of the consultation

Consequential changes to existing permitted development rights

Public Sector Equality Duty Assessment and impact assessment

Annex A: About this consultation

Annex B: Privacy notice

[Print this page](#)



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Scope of the consultation

Topic of this consultation:

This technical consultation contains proposed changes to permitted development rights.

Scope of this consultation:

Following amendments made to use classes from 1 September 2020 it is necessary to update specific permitted development rights to align with the new use classes. This technical consultation seeks views on the proposed consequential changes to national permitted development rights.

Geographical scope:

These proposals relate to England only.

Impact assessment:

The consultation seeks views on any potential impacts on business, local planning authorities and communities from changes. The government is mindful of its responsibility to have regard to the potential impact of any proposal on the Public Sector Equality Duty, and therefore views are additionally sought on whether there are any impacts arising from these measures on those with a protected characteristic.

Basic Information

Body/bodies responsible for the consultation:

Ministry of Housing, Communities and Local Government

Duration:

This consultation will run from 13 May to 3 June 2021

Enquiries:

For any enquiries about the consultation please contact:
TechnicalConsultationonConsequentialPDRChanges@communities.gov.uk

How to respond:

You may respond by using our online survey (<https://consult.communities.gov.uk/planning-development-management/technical-consultation-on-the-consequential-change/>)

We strongly encourage responses via the online survey, particularly from organisations with access to online facilities such as local authorities, representative bodies, and businesses. Consultations on planning policy receive a high level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised for each question.

A response pro-forma (<https://www.gov.uk/government/consultations/technical-consultation-on-consequential-changes-to-permitted-development-rights>) is provided on the website. Emails should be sent to: TechnicalConsultationonConsequentialPDRChanges@communities.gov.uk

If you are responding in writing, please make it clear which question or questions you are responding to. Written responses should be sent to:

Technical consultation on consequential changes to permitted development rights
Ministry of Housing, Communities and Local Government
Planning Directorate,
3rd Floor, North East,
Fry Building,
2 Marsham Street,
London,
SW1P 4DF

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable), and
- the name of organisation (if applicable).

Consequential changes to existing permitted development rights

Background

1. The government has been engaged in reform of planning rules to enable more flexibility for buildings to change between uses, in particular on the high street to enable high streets to adapt to changing circumstances and support our economic recovery. In the first stage the government reformed the Use Classes Order (<https://www.legislation.gov.uk/uksi/2020/757/contents/made>) so that from 1 September 2020 new broader classes of use were established, in particular creating a single new Commercial, Business and Service use class that allows shops and services to change between uses, or a mix of uses, without the need for a planning application. In the second stage, the government introduced a new permitted development right (<https://www.legislation.gov.uk/uksi/2021/428/contents/made>) that allows for certain buildings to convert from those uses into residential development without the need for a full planning application.

2. However there are a number of permitted development rights in respect of those uses, as well as outstanding references to former use classes. These existing rights continue to have effect until 31 July 2021. The third stage of reform is therefore to make necessary consequential changes throughout the General Permitted Development Order (<https://www.legislation.gov.uk/uksi/2015/596/contents/made>).

3. This technical consultation therefore now sets out detail of the proposed consequential changes to existing permitted development rights and invites comment. It fulfils the commitment in the government response to the Supporting housing delivery and public infrastructure consultation (<https://www.gov.uk/government/consultations/supporting-housing-delivery-and-public-service-infrastructure>) on permitted development rights in December 2020.

Approach to the consolidation and simplification of existing rights

4. As noted in the “Supporting housing delivery and public service infrastructure” consultation, the intention is that in updating rights to reflect changes to the Use Classes Order, the opportunity is taken to simplify and rationalise existing rights where appropriate.

5. In doing so we have 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. For example, where rights allow change of use to a single use now within the Commercial, Business and Service use, rather than remove the right we have looked to expand it. Similarly where former assembly and leisure uses are now within the F2 Local Community use class we have sought to maintain the protection, rather than to provide for the change of use from such uses.

6. Generally, we have not sought to add limitations, such as no longer allowing a right to apply in national parks, or conditions, such as introducing additional matters for prior approval, except where we are proposing to merge particular rights where such limitations already exist. Nor have we sought to amend rights unless directly required to do so as a result of the changes to the Use Classes Order.

7. This is a technical update to align existing permitted development rights with the current use classes, rather than a wholesale review of permitted development rights. It is not the intention to undertake a consolidation of the General Permitted Development Order following these changes. These amendments apply to: Part 3 Changes of use, Part 4 Temporary buildings and uses, Part 7 Non-domestic extensions, alterations etc, Part 11 Heritage and demolition, and Part 20 Construction of New Dwellinghouses. All rights are set out in Schedule 2 of the General Permitted Development Order.

Treatment of the different categories of existing rights

8. The “Supporting housing delivery and public service infrastructure” consultation suggested that existing rights fell into four broad categories. Following the responses to the consultation, further work has been done to categorise existing rights as set out below, and to frame detailed proposals where appropriate.

Category 1 - the right is no longer required.

9. The “Supporting housing delivery and public service infrastructure” consultation document gave the example of Class D of Part 3: shops to financial and professional services. Both uses are now within the Commercial, Business and Service use class (Class E) and therefore the right no longer serves any effective purpose. This right could now be revoked.

Category 2 - the right is unchanged by the amendments to the Use Classes Order and therefore no amendment is necessary.

10. The majority of rights do not make reference to use classes or particular uses, and therefore will not be amended.

Category 3 - the right may be replaced by the new proposed permitted development right from the Commercial, Business and Service use class to residential.

11. Since the “Supporting housing delivery and public service infrastructure” consultation, legislation has been laid to introduce right (Class MA of Part 3) for the change of use from the Commercial, Business and Service use class to residential. Applications may be made from 1 August 2021. The same legislation amended the Class O permitted development right to prohibit applications from 31

July 2021. Those with prior approval under Class O must complete development in accordance with the limitations and conditions of the right within three years. We therefore do not propose to revoke Class O at this time.

Category 4 - the right requires detailed consideration.

12. The consultation document noted that several rights may fall into this category and gave some examples. This category of proposed changes forms the core of this consultation, and is split into two groups:

a) minor technical amendments b) more significant changes

These proposed changes are set out in the tables below.

The proposed consequential changes

a) Minor technical changes

13. These are where a reference to a former use class is now updated to refer to the new. For example, where a reference to a shop previously referred to use class A1 shop, we propose it should now be updated to refer to the Commercial Business Service use class E(a). There are proposed minor and technical changes to 10 rights and two paragraphs as set out below:

Part / Right	Description	Proposed changes
Part 3 Change of Use		
Class AA drinking establishments with expanded food provision	<p>The right allows drinking establishments, such as pubs, to be able to provide a broader food offer (beyond that which is considered to be ancillary to its use as a pub), than would otherwise be the case.</p> <p>It further allows use as a drinking establishment with expanded food provision to change use to a drinking establishment.</p>	<p>The current flexibility and protections will be maintained. The right will be updated to provide for the change of use from article 3 (6) (p) as a public house, wine bar or dinking establishment, to (q) as a drinking establishment with expanded food provision.</p> <p>It will similarly allow for the change of use from (q) back to (p).</p> <p>All other details remain unchanged</p>
Class D shops to financial and professional	Change of use from shops (A1) to financial and professional services (A2)	The right is now redundant as both uses are within the Commercial Business and Service use class (E).
Paragraph X	The definition of 'sui generis' refers to a use for which 'no class is specified in the Schedule' to the Use Classes Order.	<p>Paragraph X will be updated to reflect that there are now two Schedules: 1 and 2 to the Use Classes Order.</p> <p>All other details remain unchanged</p>

Part / Right	Description	Proposed changes
Part 4 Temporary Buildings and uses		
Class DA Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food	The right allows restaurants and cafes (A3), and drinking establishments (A4) and drinking establishment with expanded food provision as defined in Class AA of Part 3 to provide takeaway food.	The right will be updated to reflect that such uses are now listed in article 3 (6) of the Use Classes Order: public house, wine bar or drinking establishment (p), drinking establishment with expanded food provision (q), and Commercial Business and Service (E (b).) All other details remain unchanged.
Part 7 Non-domestic extensions, alterations etc		
Class B construction of shop trolley stores	The right allows shops (A1) to erect or construct a trolley store within the curtilage of the shop.	The right will be amended to apply to Commercial Business and Service (E (a)) for the display or retail sale of goods, other than hot food, principally to visiting members of the public. All other details remain unchanged.
Class C click and collect facilities	The right allows shops (A1) to erect, or construct click and collect facilities within the curtilage of the shop.	The right will be amended to apply to Commercial Business and Service (E (a)) for the display or retail sale of goods, other than hot food, principally to visiting members of the public. All other details remain unchanged.
Class D modification of shop loading bays	The right allows shops (A1) to extend their loading bay.	The right will be amended to apply to Commercial Business and Service (E (a)) for the display or retail sale of goods, other than hot food, principally to visiting members of the public. All other details remain unchanged.

Part / Right	Description	Proposed changes
Paragraph O Interpretation	This paragraph refers to an office building as being in B1 (a) use.	<p>This paragraph will be updated to reference offices in the Commercial Business and Service use class (E (g) (i)).</p> <p>All other details remain unchanged.</p>
Part 11 Heritage and demolition		
Class B demolition of buildings	<p>This is a broad right that allows for the demolition of existing buildings. It does not apply to drinking establishments (A4), and drinking establishments with an expanded food provision.</p> <p>The right is subject to limitations and conditions.</p>	<p>The right will be amended to preserve the existing protections by updating to refer to such uses now listed in article 3 (6) of the Use Classes Order: (p) as a public house, wine bar, or drinking establishment, or (q) as a drinking establishment with expanded food provision.</p> <p>All other details remain unchanged.</p>
Part 20 Construction of New Dwellinghouses		
Class ZA Demolition of buildings and construction of new dwellinghouses in their place	<p>The right allows for the demolition of vacant and redundant offices (B1 (a)), research and development (B1 (b), and light industrial (B1 (c)) and blocks of flats and rebuild as residential. The right refers to buildings falling within such uses in the Use Classes Order as it applied before the changes introduced from 1 September 2020.</p> <p>The right is subject to limitations and conditions, including matters for prior approval.</p>	<p>Minor technical changes will be made to update the right to align with the current use classes: E (g).</p> <p>All other details remain unchanged</p>

Part / Right	Description	Proposed changes
<p>Class AA new dwellinghouses on detached buildings in commercial or mixed use</p>	<p>The right allows detached buildings in commercial (shops (A1), financial and professional services (A2), restaurant and cafe (A3), and offices (B1 (a)), or a betting office, pay day loan shop, launderette, or mixed use to extend upwards to create new homes.</p> <p>The right is subject to limitations and conditions.</p>	<p>Minor technical changes will be made to update the right to align with the current use classes: E (a), E (c), E (b), E (g (i)).</p> <p>All other details remain unchanged</p>
<p>Class AB new dwellinghouses on terrace buildings in commercial or mixed use</p>	<p>The right allows terraced buildings in commercial (shops (A1), financial and professional services (A2), restaurant and cafe (A3), and offices (B1 (a)), or a betting office, pay day loan shop, launderette, or mixed use to extend upwards to create new homes.</p> <p>The right is subject to limitations and conditions.</p>	<p>Minor technical changes will be made to update the right to align with the current use classes: E (a), E (c), E (b), E (g (i)).</p> <p>All other details remain unchanged.</p>

Q1. Do you have any comments on the proposed minor technical changes? Yes/No/Don't know

Please give your comments:

b) More significant changes

14. An additional 22 individual rights require broader changes, as set out in the table below. Many of the rights are linked, and therefore some questions below are related to one another. For example there are a number of rights that relate to change of use to uses now within the Commercial, Business and Service use class, or to former D2 assembly and leisure uses. Where possible we have grouped related matters thematically.

The Commercial, Business and Service use class

15. The Use Classes Order groups together uses and provides that movement between them is not development. The Commercial, Business and Service (Class E) use class groups together a wide range of uses within which premises can move between uses without the need for a planning application. The Use Classes Order does not consider the size or location of uses. The Use Classes Order therefore provides flexibility, allowing premises to move between uses in the same class freely with no planning process. This has informed the approach to the proposed changes 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.

16. Where current rights allow for change to a single use, such as a shop, which is now within the wider Commercial, Business and Service class, it is proposed to allow for the change to any use in the Commercial Business and Service use class. In such cases, the revised right would therefore be broader than the existing right.

17. As set out in the example in the “Supporting housing delivery and public service infrastructure” consultation, there are a number of separate Part 3 rights for betting offices, pay day loan shops, hot food takeaways, and casinos to change to individual uses such as shops, restaurants and offices that are now within the Commercial Business and Service use class: Classes A, B, C, E, F, J, JA, and K in whole or in part. Classes A, B, E, F and K are not subject to any limitations or conditions. However, some individual rights differ in some details. Recognising the driver for greater flexibility behind the broader use class, there is potential to consolidate and simplify these into one or more rights. In doing so there could then be some changes to the detail of the limitations in respect of size and matters for prior approval.

18. It is proposed to create a single merged right to allow these uses to change to any use within the Commercial, Business and Service use class. The Part 3 Class C right for the change of use to a restaurant includes specific protections in respect of size limits (150 square metres), matters for prior approval (odours and waste) and exclusions such as listed buildings, and the Part 3 Class JA the right for the change of use to an office does not apply in article 2 (3) land, such as national parks, and has a different size limit (500 square metres). It is proposed that the single consolidated right would not be subject to any limitations or conditions. Listed building consent would still be required where relevant. **See questions 2a-d.**

19. The Part 3 Class M right provides for the change of use from retail, takeaways, and specified sui generis uses to residential. Shops (A1) and financial and professional services (A2) are now within the Commercial, Business and Service use class and therefore benefit from the new Part 3 Class MA right. It is proposed therefore to amend the right to allow the change of use from hot food takeaways, betting offices, pay day loan shops and launderettes (article 3 (6) (r), (n), (o) and (c)) to residential use. Launderettes can be valued local services in some areas. It is therefore proposed to continue to allow for prior approval of the impact of change of use on the adequate provision of such local services. All other limitations and conditions remain unchanged. **See question 8 a-b.**

20. There are two Part 7 rights which allow for the extension or alteration of shops and financial and professional services (Class A) and offices (Class F): merging them into a single right that applies to the whole of the Commercial Business and Service use class. The rights differ in certain important respects, including the height of the building as extended and restrictions on distance from the boundary. The right for offices allows for taller extensions whereas the right for shops provide important considerations in respect of development adjoining residential use. Extending this flexibility to all Commercial, Business and Service uses could be impactful on neighbours and may give rise to local complaints, and therefore it is proposed that a single right mirrors the existing right for shops and allows for ground floor single storey extensions for all Commercial, Business and Service uses of 4 metres, no closer than 2 metres to the boundary, and that it not apply to land adjoining residential use. **See questions 15.a-b.**

21. It is proposed to take a similar approach in respect of the two Part 7 rights for hard surfaces for buildings in shop or financial and professional service use (Class E) or office use (Class G). To recognise that these uses are now within the Commercial, Business Service use class and may move freely between uses, it is proposed that we merge the rights that allow for hard surfaces and to expand this to the whole of the Commercial, Business and Service use class enabling all premises within that class to install hard surfaces within the limitations set out in the right. To maintain the current flexibilities the right will continue to apply to 'catering' uses now found within the Commercial, Business and Service use class and article 3 (6) uses: drinking establishments, drinking establishment with an expanded food offer and hot food takeaways. No other changes are proposed. **See question 16 a-b.**

Treatment of the former D2 assembly and leisure use class

22. As set out in the "Supporting housing delivery and public service infrastructure" consultation, as a result of the reforms to use classes 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). A number of rights allowed the change of use to uses within the former assembly and leisure (D2) use class, e.g. Class J, K, and Class R of Part 3. Class T of Part 3 and Class D of Part 4 allows the change of use from such uses.

23. The "Supporting housing delivery and public service infrastructure" consultation document noted that change to the range of uses previously in D2 may be treated differently in future. When live music venues, cinemas, and concert halls were added to the list of uses in article 3 (6) of the Use Classes Order we set out that a planning application would 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. Therefore we have considered whether rights should provide for the change of use from such uses in particular, as well as to such uses. However, within the Commercial, Business and Service use class, premises can move freely within to become places for indoor sport and recreation. It is therefore proposed that the individual permitted development rights are amended to no longer allow for the change of use to, or from, former D2 assembly and leisure uses. **See questions 6.a-b, 7, 9.b, 11.c, 12.b, and 13.b.**

State funded schools and registered nurseries

24. Individual rights provide for the permanent or temporary change of use to a state funded school or registered nursery. While both 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 importantly nurseries are now within the broad 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.

25. The Part 3 Class T right provides for the change of use from business (B1), hotels (C1), residential institution (C2 and C2A) and assembly and leisure (D2) uses to state funded schools and registered nurseries. Business uses, including offices, are now within the Commercial, Business and Service use class. We therefore propose that the right is broadened significantly to allow the change of use from any Commercial, Business and Service use to a state funded school. However, we propose that the right will no longer allow for the conversion 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. We propose that explicit provision is not provided for the change of use to a nursery, although these may be provided for by movement within the Commercial, Business and Service use class. **See questions 11.a-c.**

26. It is proposed that the Part 3 Class S right for the change of use of an agricultural building to a state funded school or registered nursery be amended to only allow the change of use to a state funded school in the F1 (a) use class. Agricultural buildings will be able to change use to a nursery under the Part 3 Class R right for change to a flexible use. **See question 10.**

27. The Part 4 Class C right provides for the temporary change of use of any building, other than drinking establishments, to a state funded school for two academic years. We proposed to amend the right 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 will also not apply to uses such as live music venues and cinemas now listed in article 3 (6) as not in a use class. The existing protections for public houses etc (p) and drinking establishments with expanded food provision (q) will be maintained. **See question 12.a-b.**

28. The Part 4 Class CA right for the temporary change of use of vacant commercial land to a state funded school applies to business (B1) uses which are now found within the Commercial, Business and Service use class. It is therefore proposed to significantly broaden the right to apply to land previously used for any Commercial, Business and Service use. At the same time, it is proposed to update the right to no longer allow for the change of use from uses now within the F2 Local Community class or uses such as live music venues, cinemas, and concert halls formerly in the assembly and leisure use class. **See question 13.a-b.**

Other changes to note

29. The Part 3 Class R right for the change of use from an agricultural building to a flexible use, such as shops and restaurants etc that are now within the Commercial, Business and Service use class. We propose that this be broadened to allow the change of use to any Commercial, Business and Service use class, which includes nurseries, alongside the other specified uses. **See question 9.a-b.**

30. The Part 3 Class I right allows the change of use from an industrial building or a warehouse to light industrial uses which are now within the Commercial, Business and Service use class. This could in future see the development of inappropriate uses such as nurseries or day centres, in industrial areas, and therefore we propose to remove the right. **See question 5.**

31. Part 3 Class G allows the change of use of space above shops, financial and professional services, betting shops and pay day loan shops to change 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 we propose to extend the right to apply to all Commercial, Business and Service uses. It is not necessary to make any changes to the number of flats that can be developed as the new Class MA right will provide for larger developments. Class H will be amended to allow change of use from this mixed use to the Commercial, Business and Service use class. **See questions 3 and 4.**

32. The Part 4 Class D right allows for the temporary change of use to a 'flexible use' for up to three years. Within this it allows for the temporary change of use of shops (A1), financial and professional services (A2), restaurants and cafes (A3), and offices (B1 (a)) that are all now within the Commercial Business and Service use class. It also allows for the temporary change of use from the D2 assembly and leisure use class. To provide greater flexibility for business start-ups, we propose to broaden this to allow the temporary change of use from the Commercial, Business and Service use class. However, 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 to uses for local consideration. **See question 14.**

Part 3 Change of use

Part / Right	Description	Proposed changes

Part / Right	Description	Proposed changes
Class A restaurants, cafes, or takeaways to retail	Change of use from restaurants or cafes (A3), or hot food takeaways (A5) to shops (A1) or financial and professional services (A2)	<p>To recognise the flexibility provided by the Commercial, Business and Service use class, it is proposed that a single consolidated right provides for the change of use from specified uses for local consideration listed in article 3 (6) of the Use Classes Order:</p> <ul style="list-style-type: none"> (m) casino (Classes C, K (part)), (n) betting office (Classes C, E, F J (part), JA) (o) pay day loan shop (Classes C, E, F, J (part), JA) (r) hot food takeaway (Classes A, B, and JA). <p>to the Commercial Business and Service use class (E). This would be a significant broadening of existing flexibilities. The right will not be subject to any limitations, such as size limits or exclusions, or conditions, such as matters for prior approval.</p> <p>Movement between premises for the sale of food and drink, display or retail sale of goods, offices, and financial, professional, and other services is now provided for within the Commercial, Business and Service use class (E).</p> <p>The right will be updated to provide for the change of use from a takeaway (3 (6) (r).</p> <p>To confirm that the right will continue to provide for the change of use from but not to, hot food takeaways, betting offices, pay day loan shops, and casinos.</p> <p>Paragraphs 17-18 refer.</p> <p>Q.2.a. Do you agree that there should be single Part 3 right to allow the change of use from:</p> <ul style="list-style-type: none"> (m) casino (Classes C, K (part), (n) betting office (Classes C, E, F J (part), JA) (o) pay day loan shop (Classes C, E, F, J (part), JA) (r) hot food takeaway (Class A) <p>to the Commercial Business and Service use class?</p> <p>Yes/No/Don't know Please give your reasons.</p> <p>Q.2.b. If there is agreed to be a single right, do you agree that this single right should not be subject to any limitations, such as a size limit, or exclusions for listed buildings etc?</p> <p>Yes/No/Don't know</p>

Part / Right	Description	Proposed changes
		<p>Please give your reasons.</p> <p>Q.2. c. If there is agreed to be a single right, do you agree that this single right should not be subject to conditions, such as matters for prior approval in respect of restaurants or other uses? Yes/No/Don't know Please give your reasons.</p> <p>Q.2. d. Given the flexibility to move within the use Commercial, Business and Service use class, do you agree that any single consolidated right should not provide an exclusion in respect of offices in article 2 (3) land Yes/No/Don't know. Please give your reasons.</p>
<p>Class B takeaways to restaurants and cafes</p>	<p>Change of use from hot food takeaways (A5) to restaurants and cafes (A3)</p>	<p>See Class A above: It is proposed that the change of use from a hot food takeaway (article 3 (6) (r)) use to the Commercial, Business and Service use class (E) will form part of the single consolidated right.</p> <p>Paragraphs 17-18 refer. See questions 2.a-d.</p>
<p>Class C retail, betting office or pay day loan shop or casino to restaurant or cafe</p>	<p>Change of use from shops (A1), financial and professional services (A2), betting office, pay day loan shop, or casino to restaurant or café (A3). Provides for works reasonably necessary to change use.</p> <p>The right subject to limitations and conditions including a size limit (150 sq m), exclusions for listed buildings etc, and prior approval including on noise, odours, storage, and handling of waste.</p>	<p>See Class A above.</p> <p>It is proposed that the change of use from a betting office (article 3 (6) (n), pay day loan shop (3 (6) (o), or casino (3 (6) (m)) to the Commercial, Business and Service use class (E) will form part of the single consolidated right.</p> <p>Recognising the scope for premises to move freely within the Commercial, Business and Service use class, this broader, consolidated right will not be subject to limitations including on size and exclusions or conditions, such as matters for prior approval, and therefore nor will it provide for works.</p> <p>Movement between premises for the display or retail sale of goods, financial, professional, and other services, and sale of food and drink, is now provided for within the Commercial, Business and Service use class (E).</p> <p>Paragraphs 17-18 refer. See questions 2.a-d.</p>

Part / Right	Description	Proposed changes
<p>Class E financial and professional or betting office or pay day loan shop to shops</p>	<p>Change of use from financial and professional services (A2), betting office or pay day loan shop, to shops (A1).</p>	<p>See Class A above.</p> <p>It is proposed that the change of use from a betting office (article 3 (6) (n) or pay day loan shop (3 (6) (o) to the Commercial, Business and Service use class (E) will form part of the single consolidated right.</p> <p>Movement between premises for financial, professional, and other services and for the display or retail sale of goods is now provided for within the Commercial, Business and Service use class (E).</p> <p>Paragraphs 17-18 refer. See questions 2.a-d.</p>
<p>Class F betting offices or pay day loan shops to financial and professional</p>	<p>Change of use from betting offices or pay day loan shops to financial and professional services (A2)</p>	<p>See Class A above.</p> <p>It is proposed that the change of use from a betting office (article 3 (6) (n) or pay day loan shop (o) to the Commercial, Business and Service use class (E) will form part of the single consolidated right as set out in Class A of Part 3.</p> <p>Paragraphs 17-18 refer. See questions 2.a-d.</p>
<p>Class G retail or betting office or pay day loan shop to mixed use</p>	<p>Change of use from shops (A1) or financial and professional services (A2), betting office or pay day loan shop, to a mix of that use with up to two flats.</p> <p>Where there is a ground floor display window the ground floor may not be used as residential. Flats created must only be used as a C3 dwellinghouse.</p>	<p>Recognising the flexibility within the Commercial, Business and Service use class, the right will be amended to provide for 2 flats above (mixed use) any Commercial, Business and Service (E), betting office (article 3 (6) (n) or pay day loan shop (3 (6) (o)) use.</p> <p>The Commercial, Business and Service to residential (Class MA) right will provide scope for larger scale development. Other limitations and conditions remain unchanged.</p> <p>Q3. Do you agree that the existing Class G right of Part 3 should be broadened to allow for up to 2 flats above (mixed use) any premises in the Commercial, Business and Service use class? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
Class H mixed use to retail	Change of use from mixed as shops (A1) and up to two flats to shops (A1). Similar provisions apply in respect of financial and professional services (A2), betting offices and pay day loan shops.	<p>The right will be amended to allow change of use from 2 flats / mixed use 2 flats to a Commercial, Business and Service use, where the original use was a shop, financial or professional service or other Commercial Business and Service use.</p> <p>Premises that were betting offices with mixed use may revert to a betting office (article 3 (6) (n)). The same principle applies in respect of pay day loan shops (3 (6) (o) with mixed use. Commercial, Business and Service mixed use may not change use to a betting office or pay day loan shop.</p> <p>Paragraph 31 refers. See also Class G of Part 3 above.</p> <p>Q.4. Do you agree that the Class H right of Part 3 be amended to allow change of use from 2 flats mixed use with Commercial, Business Service use to Commercial, Business Service use? Yes/No/Don't know Please give your reasons.</p>
Class I industrial and general business conversions	Change of use from general industrial (B2), or storage and distribution (B8) to light industrial (B1 (c)).	<p>Light industrial uses are now within the Commercial Business and Service use class. Change of use from general industry could see inappropriate Commercial, Business and Service uses in areas used for industry or warehouse use. It is therefore proposed that this right is withdrawn.</p> <p>Paragraph 30 refers.</p> <p>Q.5. Do you agree that the Class I right of Part 3 for the change of use from industrial, or storage and distribution, to light industrial use is withdrawn? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
<p>Class J retail or betting office or pay day loan shop to assembly and leisure</p>	<p>The right allows for the change of use from shops (A1), financial and professional services (A2), betting office or pay day loan shop to assembly and leisure (D2).</p> <p>The right is subject to limitations and conditions, including a size limit (200 sq m), and does not apply in article 2 (3) land or to listed buildings etc, and prior approval including in respect of noise, and hours of opening.</p>	<p>As a result of the amendments to the Use Classes Order, uses within the former assembly and leisure (D2) use class are now fragmented across: the Commercial, Business and Service use class (E (d), Local Community (F2), and individual uses are now listed in article 3(6) as not in use class. Recognising this complexity, we propose that permitted development rights no longer provide for the change of use to former D2 assembly and leisure uses. This will result in certain premises losing an existing permitted development right currently enjoyed.</p> <p>It is therefore proposed that this permitted development right is withdrawn.</p> <p>Paragraph 23 refers</p> <p>Q6.a. Do you agree that permitted development rights are amended to no longer allow the change of use to uses from the former D2 Assembly and leisure use class? Yes/No/Don't know Please give your reasons.</p> <p>Q.6.b. Do you agree that the Class J Part 3 right that provides for the change of use of retail uses, betting office or pay day loan shop to the former D2 assembly and leisure use class is withdrawn? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
<p>Class JA retail, takeaway, betting office, pay day loan shop, and launderette uses to offices</p>	<p>Change of use from shops (A1), financial and professional services (A2), hot food takeaway (A5), betting office, pay day loan shop and launderette to offices (B1 (a)).</p> <p>The right is subject to limitations and conditions including: cannot use right if only in A1 or A2 use by virtue of another permitted development right, size limit (500 sq m), does not apply to article 2 (3) land, etc, and prior approval in respect of transport and highways, and the adequate provision of service (such as a launderette), or the sustainability of the key shopping area.</p> <p>Building changing use may then only be used as an office.</p>	<p>See Class A above.</p> <p>It is proposed that the change of use from a takeaway (article 3 (6) (r), betting office (3 (6) (n)) or pay day loan shop (3 (6) (o)) to the Commercial, Business and Service use class (E) will form part of the single consolidated right.</p> <p>This new right would not be subject to any limitations or conditions. It would there remove the current exclusion in respect of article 2 (3) land including national parks, safety hazard areas, and military explosive storage areas, and allows movement to offices similar to that found within the Commercial, Business and Service use class.</p> <p>Launderettes are particularly valued services in some local communities. In order to protect such services, and remove the need for prior approval, it is proposed that such uses are not part of the single consolidated right.</p> <p>Paragraphs 17-18 refer. See questions 2 a-d above.</p>
<p>Class K casinos to assembly and leisure</p>	<p>The right allows for the change of use from a casino to assembly and leisure (D2)</p>	<p>The extent to which casinos change use under this permitted development right is used is not known. As set out above under Class J, the fragmentation of the previous assembly and leisure (D2) use class would make any resulting right very complex for likely limited benefit. It is therefore proposed to withdraw this right.</p> <p>Q.7. Do you agree that the Class K Part 3 right that provides for the change of use of casinos to the former D2 assembly and leisure use class is withdrawn? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
<p>Class M retail, takeaways, and specified sui generis uses to dwellinghouses</p>	<p>Change of use from shops (A1), financial and professional services (A2), and hot food takeaways (A5) betting office, pay day loan shop or launderette, to residential (C3).</p>	<p>Premises for the display or retail sale of goods, and financial, professional, or other services, fall within the Commercial, Business and Service use class and therefore benefit from the Class MA right.</p> <p>The amended Class M right will continue to allow the change of use from specified article 3 (6) uses: hot food takeaway (r), a betting office (n), pay day loan shop (o) or launderette (c) to residential C3 use.</p> <p>The right will provide for prior approval on the adequate provision of services only as a launderette. All other details remain unchanged.</p> <p>Paragraph 19 refers</p> <p>Q.8.a. Do you agree that the Class M right of Part 3 be amended to continue to allow the change of use from a hot food takeaway, betting office, pay day loan shop, or launderette to residential C3 use? Yes/No/Don't know Please give your reasons.</p> <p>Q.8.b. Do you agree that the Class M right of Part 3 should allow for prior approval on the adequate provision of local services as a launderette? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
<p>Class R agricultural buildings to a flexible commercial use</p>	<p>The right provides for the change of use of an agricultural building to a 'flexible use' falling within shops (A1), financial and professional services (A2), restaurants and cafes (A3), business (B1), storage or distribution (B8), hotels (C1), or assembly and leisure (D2).</p> <p>The right is subject to limitations, such as a size cap of 500 sq m, and does not apply to listed buildings or in safety hazard areas etc.</p>	<p>Shops, financial and professional services, food and drink, and offices etc are all now within the Commercial, Business and Service use class. We therefore propose to broaden the right to allow agricultural buildings to change to any Commercial Business and Service use. This is a significant broadening of the right. The size limit will help to mitigate against potential adverse impacts in rural areas.</p> <p>As noted above, there are complexities around the change of use to former assembly and leisure uses. We therefore propose that to balance broadening the right to all Commercial, Business and Service uses, provision is not made in respect of former assembly and leisure uses.</p> <p>All other parts of the right remain unchanged.</p> <p>Paragraph 29 refers.</p> <p>Q.9.a. Do you agree that the Class R right of Part 3 should be amended to expand the flexible use of agricultural buildings to include the Commercial Business and service use class? Yes/No/Don't know Please give your reasons.</p> <p>Q.9.b. Do you agree that the Class R right of Part 3 should be amended to no longer allow the flexible use of agricultural buildings for those uses within the former D2 assembly and leisure use class? Yes/No/Don't know Please give your reasons</p>

Part / Right	Description	Proposed changes
<p>Class S agricultural buildings to state-funded school or registered nursery</p>	<p>The right allows for the change of use from an agricultural building to a state funded school or registered nursery in the non-residential institution (D1) use class.</p> <p>The right is subject to limitations, such as a size limit, and exclusions for example listed buildings, and conditions such as matters for prior approval.</p>	<p>State funded schools are now in the F1 Learning and non-residential institution use class (F1 (a)) and registered nurseries in the Commercial, Business and Service use class (E (f)). The right will therefore be amended to allow the change of use to a state funded school in the F1 (a) use class. Agricultural buildings are able to move to a nursery under Class R above, so the opportunity to change use to a nursery remains.</p> <p>All other terms and conditions, including the matters for prior approval, remain the same.</p> <p>Paragraph 26 refers.</p> <p>Q.10. Do you agree that the Class S right of Part 3 is amended to allow only for the change of use of an agricultural building to a state funded school? Yes/No/Don't know Please give your reasons.</p>
<p>Class T business, hotels etc to state-funded schools or registered nursery</p>	<p>The right allows for the change of use from business (B1)), hotels (C1), residential institutions (C2), secure residential institutions (C2A)) or assembly and leisure (D2) to a state-funded school or a registered nursery.</p> <p>The right is subject to prior approval in respect of transport and highways, noise, and contamination. It does not apply to listed buildings or to listed buildings, or safety hazard areas etc.</p>	<p>State funded schools are now in the F1 Learning and non-residential institution use class (F1 (a)) and registered nurseries in the Commercial, Business and Service use class (E (f)).</p> <p>As offices and other former B1 business uses are now within the Commercial, Business and Service use class, it is proposed that the right be amended to allow any the change of use of any uses within that class to a state funded school in the F1 Learning and non-residential institution use class.</p> <p>The C1, C2 and C2 A use classes remain unchanged, and the right will allow the change of use to a state funded school.</p> <p>However, to preserve the protections provided by the September changes to the use classes, the change of use will not be permitted from former assembly and leisure uses (D2) now in the Local Community (F2) use class or uses such as live music venues and cinemas etc now listed in article 3 (6).</p> <p>Registered nurseries now fall within the Commercial, Business and Service use class (E (f)) and therefore premises can move freely to such a use from an office etc. However, nursery uses</p>

Part / Right	Description	Proposed changes
		<p>are free to move within this broad use class. We therefore propose that the right allow the change of use to schools and not nurseries.</p> <p>All other limitations and conditions, including in respect of matters for prior approval, remain unchanged.</p> <p>Paragraph 25 refers.</p> <p>Q.11.a. Do you agree that the Class T right of Part 3 is amended to allow the change of use to a state funded school, and no longer allow the change of use to a registered nursery? Yes/No/Don't know Please give your reasons.</p> <p>Q.11. b. Do you agree that the Class T right of Part 3 be amended to additionally allow for the change of use from the Commercial, Business and Service use class to a state funded school? Yes/No/Don't know Please give your reasons.</p> <p>Q.11.c. Do you agree that the Class T right of Part 3 be amended to no longer allow for the change of use from uses in the former D2 assembly and leisure use classes, such as cinemas and live music venues, and from the F2 use class? Yes/No/Don't know Please give your reasons.</p>

Part 4 Temporary Buildings and uses

Part / Right	Description	Proposed changes

Part / Right	Description	Proposed changes
<p>Class C use as a state-funded school for 2 academic years</p>	<p>The right allows for the change of use of any building as a state funded school in the non-residential institutions (D1) use class for two academic years.</p> <p>The right does not apply to drinking establishments (A4), and drinking establishments with expanded food provision. Nor does it apply to uses not listed in the Schedule to the Use Classes Order.</p> <p>The right is subject to limitations and conditions.</p>	<p>The right will be updated to reflect the new use class for schools (F.1 Learning and non-residential institutions) and to preserve the protections afforded by the new Local Community (F2) use class by no longer applying the right to such uses. The right will also preserve the protections for article 3 (6) uses such as live music venues (s), cinema (t), concert hall (u), bingo hall (v) and dance hall (x), as well as public houses (p), and drinking establishment with expanded food provision (q).</p> <p>All other limitations and conditions remain unchanged.</p> <p>Paragraph 27 refers.</p> <p>Q.12. a. Do you agree that the Class C right of Part 4 be amended to no longer allow for the change of use from uses now within the Local Community (F2) use class? Yes/No/Don't know Please give your reasons.</p> <p>Q12. b. Do you agree that the permitted development right is amended to no longer allow the change of use from uses within the former D2 Assembly and leisure use class, such as cinemas and live music venues? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
<p>Class CA provision of a temporary state-funded school on previously vacant commercial land</p>	<p>The right allows for a temporary state funded school (D1 (a)) on vacant commercial land for up to 3 academic years. Commercial land comprises: business (B1), hotels (C1), residential institutions (C2), secure residential institutions (C2A) or assembly and leisure (D2).</p> <p>The right is subject to limitations and conditions, including prior approval.</p>	<p>Business uses are now found within the Commercial, Business and Service use class. It is therefore proposed to significantly broaden the right to apply to land previously used as Commercial Business and Service use.</p> <p>The right will be updated to reflect the new use class for schools (F1 (a) and to preserve the protections afforded by the new Local Community (F2) use class and preserve the protections for article 3 (6) uses such as live music venues (s) and cinemas (t) in respect of uses formerly in the assembly and leisure use class.</p> <p>All other limitations and conditions remain unchanged.</p> <p>Paragraph 28 refers.</p> <p>Q.13. a. Do you agree that the Class CA right of Part 4 be amended to additionally allow for the change of use from vacant land within the Commercial, Business and Service use class Yes/No/Don't know Please give your reasons.</p> <p>Q.13. b. Do you agree that the Class CA right of Part 4 be amended to no longer allow for the change of use from vacant land uses in the former D2 assembly and leisure use classes, such as cinemas and live music venues, and in the Local Community F2 use class? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
<p>Class D shops, financial, cafes, takeaways etc to temporary flexible use</p>	<p>The right provides for the temporary flexible use of: shops (A1), financial and professional services (A2), restaurants and cafes (A3), hot food takeaways (A5,) business (B1), non-residential institutions (D1), assembly and leisure D2, betting office, or pay day loan shop</p> <p>As: shops (A1), financial and professional services (A2), restaurants and cafes (A3), business (B1), and specified non-residential institution (D1) uses: health services (a), display of art (d), museum (e), public library (f), public hall or exhibition hall (g). The right allows for flexible use for up to 3 years. It retains the use class it had before changing use and reverts to it previous lawful use at the end of the period of flexible use. The right is subject to a size limit of 150 sq m. It does not apply to listed buildings, or safety hazard areas etc.</p>	<p>Much of this flexibility is already provided for within the Commercial, Business and Service use class (E). The right is being retained to support business start-ups trialling a new business model.</p> <p>It will however preserve the protections against the change of use now afforded to former assembly and leisure uses such as cinemas and live music venues now listed in article 3 (6), and to the F2 Local Community use class.</p> <p>The right will be amended to provide for the temporary change of use from: the Commercial, Business and Service use class (E), and specified article 3 (6) uses: hot food takeaway (r), betting office (n) and pay day loan shop (o)</p> <p>To: Another Commercial, Business and Service use class (E) use, or specified F1 Learning and non-residential institutions uses: display of art (b), museum (c), public library (d), public hall or exhibition hall (e)</p> <p>All other details remain unchanged.</p> <p>Paragraph 32 refers.</p> <p>Q.14. Do you agree that the Class D right of Part 4 is amended to allow the temporary change of use From: the Commercial, Business and Service use class (E), and specified article 3 (6) uses: hot food takeaway (r), betting office (n) and pay day loan shop (o) To: Another Commercial, Business and Service use class (E) use, or specified F1 Learning and non-residential institutions uses: display of art (b), museum (c), public library (d), public hall or exhibition hall (e) Yes/No/Don't know Please give your reasons.</p>

Part 7 Non-domestic extensions, alterations etc

Part / Right	Description	Proposed changes
<p>Class A extensions etc of shops or financial or professional premises</p>	<p>Allows for extensions or alterations of shops (A1) or financial or professional services (A2).</p> <p>Subject to limitations and conditions, such as size and height limits for extensions (4 metres), and distance to the boundary (2 metres). Allows for ground floor level extensions. Does not allow for development adjoining a residential use. Does not allow for development forward of a shop front. Development is not permitted within the curtilage of a listed building. Alterations are not permitted in article 2 (3) land.</p>	<p>It is proposed that the right be amended to recognise the flexibility to move to a different use afforded within the Commercial, Business and Service use class. It will therefore be merged with Class F below and expanded to apply to the whole of the Commercial, Business and Service; thereby allowing a wider range of uses to be altered or extended without the need for a planning application.</p> <p>This is a significant broadening of the right – applying to wider range of uses for the first time.</p> <p>Class F, below, which provides for the extension or alteration of an office has different limitations in respect of size, height, and distance to the boundary. In particular it allows for extensions above ground floor level. It is proposed that there is a single right that applies to all Commercial, Business and Service uses that allow for ground floor extensions only: no higher than 4 metres, or within 2 metres of boundary.</p> <p>Limitations in respect of exclusions for alterations for article 2 (3) land would continue to apply.</p> <p>Paragraph 20 refers.</p> <p>Q.15.a. Do you agree that a single Part 7 right, merging Classes A and F, allow for the extension or alteration of buildings in the Commercial Business and Service use class? Yes/No/Don't know Please give your reasons.</p> <p>Q.15 b. Where a single right is introduced, do you further agree that the Part 7 right allow for ground floor extensions only: no higher than 4 metres, or within 2 metres of boundary?</p>

Part / Right	Description	Proposed changes
		<p>Yes/No/Don't know Please give your reasons.</p>
<p>Class E hard surfaces for shops, catering or financial or professional premises</p>	<p>The right allows shops (A1), financial and professional services (A2), restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5) to provide or replace a hard surface within the curtilage of the building.</p>	<p>It is proposed that the right be amended to recognise the flexibility to move to a different use afforded within the Commercial, Business and Service use class. It will therefore be merged with the Class G below and expanded to apply to the whole of the Commercial, Business and Service, thereby allowing a wider range of uses to benefit.</p> <p>It will also preserve the right as it applies to a public house, wine bar or other drinking establishments (p), drinking establishment with expanded food provision (q) and hot food takeaways (r) listed in article 3 (6) of the Use Classes Order.</p> <p>All other details remain unchanged.</p> <p>Paragraph 21 refers.</p> <p>Q.16.a. Do you agree that a single Part 7 right merges Classes E and G, and which is broadened to allow for hard surfaces for premises in the Commercial Business and Service use class? Yes/No/Don't know Please give your reasons.</p> <p>Q.16 b. Do you agree that the single Part 7 right also allow for hard surfaces for a public house, wine bar or other drinking establishments, drinking establishment with expanded food provision, and hot food takeaways listed in article 3 (6)? Yes/No/Don't know Please give your reasons.</p>

Part / Right	Description	Proposed changes
Class F extensions etc of office buildings	<p>The right allows for the extension or alteration of offices (B1 (a)).</p> <p>Subject to limitations and conditions, such as size and height limits for extensions (5 metres if within 10 metres of the boundary, or no higher than the existing building in other cases), and distance to the boundary (5 metres). Development is not permitted within the curtilage of a listed building. Alterations are not permitted in article 2 (3) land</p>	<p>See Class A of Part 7 above.</p> <p>It is proposed that the right is merged with Class A above and that that right is expanded to apply to the whole of the Commercial, Business and Service use class.</p> <p>As noted above, office extensions may be for more than ground floor level. In creating a single broad right that applies to a wide range of uses, this flexibility will be removed, and the height limit set at 4 metres.</p> <p>Paragraph 20 refers.</p>
Class G hard surfaces for office buildings	<p>The right allows offices (B1 (a)) to provide or replace a hard surface within the curtilage of the building.</p>	<p>See Class E of Part 7 above.</p> <p>As set out in Class E of Part 7, offices are now part of the Commercial, Business and Services (E) use class. It is proposed that this right will be merged with Class E, and broadened to apply to the Commercial, Business and service use class. therefore could be withdrawn.</p> <p>Paragraph 21 refers.</p>

Q17. Do you have any further comments you wish to make? Yes/No/Don't know

If so, please note any comments here:

Public Sector Equality Duty Assessment and impact assessment

33. A Public Sector Equality Duty Assessment and an impact assessment will be prepared prior to any secondary legislation being laid.

34. In consideration of the assessment of impact, where rights are broadened, for example to apply to the whole of the Commercial, Business and Service use class as opposed to an individual use that now falls within that class, the effect is deregulatory, removing the need for a full planning application in more cases and thereby benefiting building owners and developers (individuals and business) by providing greater planning certainty and reducing costs. Enabling a wider range of premises to extend will also support businesses to expand, supporting jobs and the local economy.

35. Where rights are phased out, such as the Part 3 Class I right from industrial to light industrial, there would be costs to business from in future requiring a planning application for such development.

36. Local planning authorities would see a reduction in planning applications in some cases, and an increase in others. There is limited information to know what the net balance would be, and comments would be welcomed.

37. The community may benefit from the provision of additional school places where more buildings in the Commercial, Business and Service use class are in future able to change use. Enabling the change of use to the Commercial Business and Service use class will support high streets, providing greater flexibility and avoiding premises being left empty.

38. Your views would be helpful in understanding the range of issues and scale of impacts as they relate to individual proposals.

39. We are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. We would welcome your comments as part of this consultation on whether any of the proposed consequential changes could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation). The range of individual rights to be amended is broad, so it would be helpful if responses could specify which right, or rights, the comment relates to.

Q18. Do you think that any of the proposed changes could impact on:

- a) businesses
- b) local planning authorities
- c) communities

Yes/No/Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to.

Q19. Do you think that any of the proposed changes could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes/No/Don't know

If so, please give details and specify which right/s any comment relates to.

Annex A: About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure (<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/about/complaints-procedure>).

Annex B: Privacy notice

The following is to explain your rights and give you the information you are entitled to under the data protection legislation.

These rights apply to your personal data (your name, address, and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

Article 6(1)(e) of the General Data Protection Regulation 2016 (GDPR) provides that processing shall be lawful if processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Section 8(d) of the Data Protection Act 2018 further provides that this shall include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Ministry of Housing, Communities and Local Government. The task is consulting on departmental policies or proposals or obtaining opinion data in order to develop good effective government policies in relation to planning.

4. With whom we will be sharing your personal data

We will not share your personal data with organisations outside of MHCLG without contacting you for your permission first.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

a. to see what data, we have about you
b. to ask us to stop using your data, but keep it on record
c. to ask to have all or some of your data deleted or corrected
d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk> (<https://ico.org.uk/>), or telephone 0303 123 1113.

7. Storage of your personal data

We are using Citizen Space to collect data for this consultation, so your information will be stored on their UK-based servers in the first instance. Your data will not be sent overseas. We have taken all necessary precautions to ensure that your data protection rights are not compromised by our use of third-party software.

If you submit information to this consultation using our third-party survey provider, it will be moved to our secure government IT systems within six months of the consultation closing date (3 June 2021).

8. Your personal data will not be used for any automated decision making

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