



## New planning use class E – A simplified approach sure to be welcomed by many

Recently introduced under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 and in force with effect from 1 September 2020, the introduction of the new Class E (which applies only to England) is undoubtedly a significant step forward in the government's commitment to simplifying the planning process, with the key aim being to give freedom to operators to encourage the creation of more captivating mixed use town centres and high streets.

In terms of the uses covered by the new use class and the existing classes being reclassified, this is best shown by reference to the below table:

USE	USE CLASS PRE 1 SEPTEMBER 2020	USE CLASS FROM 1 SEPTEMBER 2020
<b>Shops</b>	<b>A1</b>	<b>E</b>
<b>Professional and Financial Services</b>	<b>A2</b>	<b>E</b>
<b>Restaurants and Cafes</b>	<b>A3</b>	<b>E</b>
<b>Business (Office, Research and Development and Light Industrial)</b>	<b>B1</b>	<b>E</b>
<b>Medical or health services, creches, day nurseries and day centres</b>	<b>D1 (part of)</b>	<b>E</b>
<b>Indoor sport, recreation, fitness and gym uses</b>	<b>D2 (part of)</b>	<b>E</b>

The effect of the new use class is that operators will now be afforded the freedom (subject to the terms of their leases etc where applicable) to use their premises both for mixed uses – either for multiple uses at the same time or different uses at different times of the day (provided the same all fall with the new class E) and also to switch between use(s) within the use class without the need for formal planning consent.

Whilst the above will surely be a welcomed release from the shackles of the existing regime, it is important to note the new class E rights will not apply where premises are not covered by an existing use now reclassified to use E until they have been brought under the new use class by way of planning consent, and also that operators will still need to adhere to other aspects of the planning regime (for example, the need for planning consent and building regulations approval for alterations and the requirement to hold a premises licence where selling alcohol).

In addition to the new use class E, further new classes F1 (learning and non-residential institutions) and F2 (local community) have also been introduced and, whilst not as headline grabbing as the new E class, a summary of the key changes in these areas are also set out below:

USE	USE CLASS PRE 1 SEPTEMBER 2020	USE CLASS FROM 1 SEPTEMBER 2020
Schools, non residential educational and training centres, art galleries, museums, libraries, public and exhibition halls, places of worship and law courts	D1 (part of)	F1
Shops (provided not more than 280 square metres selling mostly essential goods and at least 1km from another shop)	A1(part of)	F2
Halls or meeting places for community use	D2 (part of)	F2
Uses which provide group activities of a physical nature – swimming pools, skating rinks and outdoor sport	D2 (part of)	F2

As a reflection of the fact some uses (for public policy reasons) will need to remain subject to formal process, the legislation also removes previous use classes A4 (drinking establishments), A5 (hot food takeaways) and certain other uses previously falling under D2 (i.e. cinemas and concert, dance and bingo halls), with these all now reclassified as “sui generis” and meaning any changes to or from these areas will require a formal planning consent.

Use classes unaffected by the latest changes include residential (use class C), general industrial (use class B2) and storage and distribution (use class B8).

Finally, it is also worth noting that under transitional provisions all existing permitted development rights for the



reclassified use classes will continue and remain available up until 31 July 2021, when it is anticipated that revised permitted development rights will be introduced.

Only time will tell whether the new classes are enough to inject some much needed life to town centres and high streets, but undoubtedly a step in the right direction.



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