

PRIOR APPROVAL: OFFICES

Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (a) (offices), to a use falling within class C3 (dwellinghouses).



In simple terms this legislation sets out that the **conversion of an existing office building to a residence is achievable without the need for planning permission.** There are however a number of caveats and a statutory process that must be undertaken.

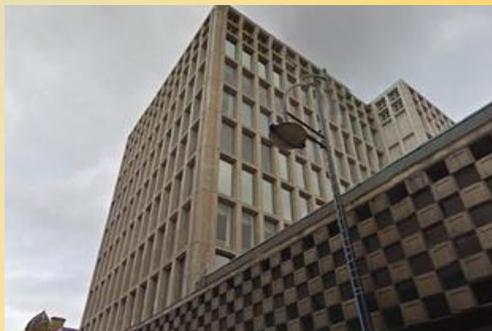
An application must be made to the Local Planning Authority (LPA) for 'prior approval'. This process allows the LPA to assess the site and the building with regard their suitability for conversion and whether each condition or element of the legislation is adhered to.

To qualify for prior approval a building must be a B1a office and should have been used as such on 29th May 2013, or its last use before that date must have been for offices.

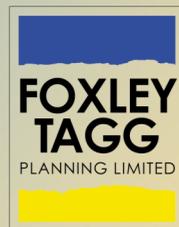
Offices under B1a are those other than offices used for financial and professional services as defined as A2 as part of the Use Class Order. The usage of the building should be evidenced as part of a submission.

When the legislation was proposed many LPA's objected given fears that irreplaceable employment land would be lost, that no affordable homes would be built and due to concerns regarding the quality of the accommodation to be built.

Buildings within **areas designated as Article 2(5) land cannot be converted.** Article 2(5) land covers areas such as Central Business Districts or key employment sites as set out in the legislation. LPA's applied for exemptions from the legislation in order to preserve employment land.



Buildings in Green Belt locations, Conservation Areas and AONBs do qualify, however listed buildings or offices within the curtilage of a listed building cannot be converted under prior approval.



There are specific technical areas where an application must demonstrate the suitability of the site and building.

The key areas as set out are:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

With regard to these matters any application will need to be technically compliant with **sufficient evidence and detail provided to conclusively demonstrate that there are no material issues** which would lead to the application being refused.



Noise and contamination are key considerations especially given that many offices which may qualify are located in existing industrial areas where nearby uses may cause localised impacts on a dwelling.

It is likely that, with regard to any

approval, the LPA will stipulate a number of conditions in respect of noise and light so as to protect the amenity of residents.

Parking may need to be provided unless it can be demonstrated that the location is sustainable. Also there should be no highway impacts.



A submission should also provide refuse and cycle storage.

In this regard it is advised that **specialist planning advice be obtained from the outset** so that any submission can be made with sufficient evidence and justification in order to allow prior approval to be granted.

Foxley Tagg Planning Ltd are experienced practitioners with regard to prior approvals in addition to work on mainstream planning matters such as new housing for self and custom builders.

We would therefore be happy to hear from you with regard to any prospective office buildings with a view to working on your behalf.

Please send any details maps, plans, photographs to Foxley Tagg using the details included overleaf.

PRIOR APPROVAL: COMMERCIAL

A 2016 update to the overarching legislation introduced prior approval with regard to developments consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) to dwellinghouses.

Class PA relates to Use Class B1(c) which includes those industrial processes suitable to be carried out in a residential area generally referred to as light industry.

A submission must demonstrate that the building was used solely for light industrial use on 19th March 2014 or, in



the case of a building which was in use before that date, when it was last in used for B1c purposes.

Buildings in Green Belt locations do qualify, however listed buildings or those within the curtilage of a listed building cannot be converted under prior approval.

The building to be converted cannot exceed 500m² in terms of floor space.

Again there are specific technical

areas where an application must demonstrate the suitability of the site and building.

- (i) transport and highways impacts of the development,
- (ii) contamination risks in relation to the building,
- (iii) flooding risks in relation to the building,
- (iv) that the introduction of a residential use into the area or premises would not have an adverse impact on the sustainability of the provision of those services.

With regard to these matters any application will need to be technically compliant with sufficient evidence and detail provided to conclusively demonstrate that there are no material issues which would lead to the application being refused.



In terms of criterion iv) there is more subjectivity than with other parts of the guidance.

If the building subject, to the conversion, is an isolated unit away

from other employment uses e.g. not on an industrial estate, then prior approval is more likely.

However, if the building forms part of wider commercial location and is potentially protected by other planning policies e.g. as key employment land then this part of the legislation provides some safeguards with regard to the LPA resisting the development.

Similar legislation (Class P) applies to B8 premises, e.g. storage and distribution centres, with prior approvals allowed to be submitted at present.



The building would need to have been used for storage or distribution purposes for more than 4 years prior to development and the floor space is again limited to 500m².

There are however more restrictions, with prior approval not applicable in Areas of Outstanding Natural Beauty, National Parks and the Broads.

Listed buildings or buildings in the curtilage of listed building are again also excluded.

In this regard it is advised that **specialist planning advice be obtained from the outset** so that any submission can be made with



sufficient evidence and justification in order to allow prior approval to be granted.

Foxley Tagg Planning Ltd are experienced practitioners with regard to prior approvals in addition to work on mainstream planning matters such as new housing for self and custom builders.

We would therefore be happy to hear from you with regard to any prospective commercial or industrial buildings with a view to working on your behalf.

Please send any details maps, plans, photographs to Foxley Tagg using the details included below.

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