

CHANGES TO PERMITTED DEVELOPMENT RIGHTS CLASS MA (USE CLASS E TO RESIDENTIAL)

Revised Permitted Development Rights under Class MA

Taking effect from 5 March 2024, an amendment to Class MA of the General Permitted Development Order (GPDO) will remove two important restrictions that apply to the permitted development right allowing the change of use of commercial, business and services premises (Use Class E) to residential use (Use Class C3). To benefit from this right, it will no longer be necessary for:

- a) a building to have been vacant for a continuous period of at least 3 months immediately prior to the date of an application for prior approval; and
- b) a building to have an floorspace upper limit of 1,500 sqm (i.e. a building of any size will now benefit from this right).

This change reverts to the unrestricted nature of the 'offices to resi' permitted development right that previously existed under Class O, meaning there could now be far-reaching opportunities and implications for towns and cities with considerable stock of redundant office space.

WHAT COULD THIS MEAN FOR YOUR PROPERTY?

The revised Permitted Development Rights mean that buildings within Use Class E (which has a broad range of uses including retail, offices, light industrial, medical and financial / professional services) will be able to change use subject to a range of criteria as set out in the table below.

There are no floorspace limits, which previously prevented larger buildings over 1,500sqm from meeting the legislative criteria and there is no vacancy requirement, which means that buildings can still be occupied when an application is made, rather than the 3-month vacancy threshold required previously.

Class MA will still be subject to Article 4 Directions and it is expected that Local Authorities will be reviewing their positions in light of this change.

How do I find out more?

If you have a query about Permitted Development Rights and the imminent changes, speak to one of LSH's Planning Consultancy Team.

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COMMERCIAL TO RESIDENTIAL PERMITTED DEVELOPMENT RIGHTS (CHANGE OF USE) COMPARISON TABLE CLASS MA STATUTORY INSTRUMENT 141, PROPOSED CLASS MA

Permitted development	Class MA Statutory Instrument No. 141 from 5 March 2024	Class MA commercial to residential (superseded from 5 March 2024)
	Change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses)	Change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses)
Designations where the development is not permitted	If the building is within Article 2(3)* land but with the exception of conservation areas where development is permitted If land covered by, or within the curtilage of, the building is or forms part of: • a safety hazard area or a military explosives storage area • a listed building or land within its curtilage • a scheduled monument or land within its curtilage • a site of special scientific interest	If the building is within Article 2(3)* land but with the exception of conservation areas where development is permitted If land covered by, or within the curtilage of, the building is or forms part of: • a safety hazard area or a military explosives storage area • a listed building or land within its curtilage • a scheduled monument or land within its curtilage • a site of special scientific interest
Floorspace limitation	Unrestricted	1,500 sq m cumulative
Operational development also permitted?	No	No
Vacancy test of three continuous months	No	Yes
Longevity of existing use	The use of the building must have fallen within Class E and one or more of the classes subsumed by Class E (outlined below) for a continuous period of at least 2 years prior to the date of the application for prior approval.	The use of the building must have fallen within Class E and one or more of the classes subsumed by Class E (outlined below) for a continuous period of at least 2 years prior to the date of the application for prior approval.
Longevity of existing use		
Development must be completed within a period of 3 years starting with the prior approval date	Yes	Yes
Prior approval required	Yes	Yes
Transport and highways	Yes	Yes
Contamination risks	In relation to the building	In relation to the building
Flooding risks	In relation to the building	In relation to the building
Provision of adequate natural light in all habitable rooms	Yes	Yes
Design or external appearance of the building	No	No
Retail impact considerations	No	No
Impact of the change of use on the character or sustainability of a conservation area	Yes, for a whole or partial ground floor change of use in a building located in a conservation area	Yes, for a whole or partial ground floor change of use in a building located in a conservation area
Impact on the local provision of the loss of a registered nursery, or a health centre**	Yes, where applicable	Yes, where applicable
Impacts of noise from commercial premises on the intended occupier		
Impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses	Yes	Yes
Fee	£125 per dwelling	£100 per dwelling

Checks for Article 4 Directions must be made.

Class E subsumed these former use classes: A1, A2, A3, B1, D1(a) (non-residential institutions – medical or health services,) Class D1(b) (non-residential institutions – crèche, day nursery or day centre), D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink.

*Article 2(3) land: A conservation area, an area of outstanding natural beauty, area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside), the Broads, a National Park; and a World Heritage Site

**As maintained under section 2 or 3 of the National Health Service Act 2006(a)