



Permitted Development Rights

STORAGE OR DISTRIBUTION CENTRE TO RESIDENTIAL (CLASS P)

The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force on the 15 April 2015 and has been amended as of April 2018. The Order has updated and reclassified the Permitted Development Rights under Schedule 2 Part 3 (i.e. Changes of Use).

Class P allows for development consisting of:-

- A change of use of a building and any land within its curtilage from a use falling within Class B8 (Storage or distribution centre) to a use falling within Class C3 (dwellinghouses).

Development is not permitted if the building was not used solely for storage/distribution on 19 March 2014 or in the case of a building in use before that date but not on that date, when it was last in use.

The building must also have been in use for storage or distribution for at least 4 years before development under Class P begins.

The prior approval must be granted before 10 June 2019.

The developer must submit a statement accompanying the application setting out the evidence relied upon to demonstrate that the building was used solely for storage/distribution on the relevant date.

The Local Planning Authority (LPA) will assess the proposal in respect of the following:-

- impacts on air quality on intended occupiers
- transport and highways impacts
- contamination risks in relation to the building
- flooding risks in relation to the building
- noise impacts.

Where the LPA considers the site important for providing storage/distribution services, consideration would need to be given as to whether a residential use would have an adverse impact on the continued sustainability of the provision of these services locally.

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If prior approval is not required, or the LPA exceed the 56 day time limit to make a decision, the development can commence (albeit the 56 day determination period can be extended if both parties agree).

Development under Class P is subject to the condition that it must be completed within a period of 3 years starting with the approval date.

The applicant needs to bear in mind that although the use of the building can be changed under these permitted development rights, any physical changes which would alter the appearance of the building are not. Therefore, once the change of use of the building has been secured by the Prior Approval application a planning application is required in respect of any building operations.

Please note the above is only a brief summary of the Prior Approval procedure and landowners are advised to research what applies in their circumstances.



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