

THE USE CLASS ORDER - QUITE THE AMENDMENT!

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We were advised of changes to the Use Class Order more firmly on the 30th June 2020, in a letter to MPs from the Housing Secretary, Robert Jenrick. The changes have now come forward, the Government laid new laws in Parliament on the 21st July which includes upward extensions in various forms.

Jenrick had this to say on the modern median for political announcements, Twitter, stating;

"Today I have introduced new laws to support the recovery and reimagination of our high streets and towns. As we protect and grow our economy post #COVID19, we must think flexibly about how best to support our high streets and town centres".

Whilst Jenrick puts particular emphasis on the post Covid19 recovery, town centres have long been the subject of interest. Addressing the failings of high streets, that quickly became a victim of changing trends, including internet shopping, has been top of the agenda for quite some time. Bringing it back to #COVID19, these trends have been accelerated, there is no doubt broad action was a necessity.

The question is always, but at what cost?

The new laws will come into force on 1st September 2020 (*only a short wait until freedom*). The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (2020 No. 757) is certainly for some what they have been waiting for, the legislation broadens current town centre uses – think all encompassing, rather than flexible.

The uses that fall in Class E, are listed below:

- For the display or retail sale of goods, other than hot food;
- Food and drink – cafes.
- Financial and professional services.
- Offices, R & D, light industry (formerly B1).
- Nurseries and Creches.
- Health services i.e. GP surgery, Dentists.
- Indoor sport and recreation.

As well as the above, and again as indicated in the letter to MPs, a new class, F – ‘Local Community and Learning’ – has been created to bolster the protection of community uses.

Class F.1

Schools, galleries, museums, halls, libraries, law court and places of worship.

Class F.2

- A shop selling essential goods where they are less than 280 sqm and not within the vicinity of another facility (1km radius).
- A place of meeting for the principle use of the local community.
- Outdoor space for sport and recreation.
- Indoor and outdoor swimming pools and skating rinks.

Uses that are traditionally associated with being problematic, for example; drinking establishments (A4) and hot food takeaways (A5), are grouped with cinemas, concert, dance and bingo halls as ‘sui generis’. Thus, the planning regime will apply, whilst controlling new uses of this nature, it also protects existing venues.

The changes have far reaching consequences, not only in town centres. Whilst we are advocates of flexibility in town centres to prevent vacancy and allow experimentation, the effects will be huge. In effect, the new regime removes the ability to enforce retail planning policy, effectively giving it over to the market.

In terms of out of town retail and business areas, will this drive up out of town retail? We wonder if town centres could actually be a casualty, with long term strategies based on evidence completely undermined.

There is a transitional period and it is important to note that this is an addendum to the existing legislation. Given this was perhaps the last thing to happen before Parliament go on holiday, perhaps a fresh start to Use Classes is on the horizon!

As mentioned above the amendment is quite the shakeup. If you have any queries and would like to discuss the implications for your property or project, get in touch with one of our experts by calling us on 020 7993 4539, or emailing info@planninginsight.co.uk