

A GUIDE TO PRIOR NOTIFICATION FOR A CHANGE OF USE FROM BUSINESS (B1(C) TO RESIDENTIAL (as from 1 October 2017)

What is Prior Notification?

The Town and Country Planning (General Permitted Development) Order (England) 2015, generally known as the GPDO, allows you to make a 'fast track' application for certain developments. The planning authority can only have regard to a limited range of considerations, and if you do not receive a decision within 56 days you can assume you have planning permission.

So what does this allow me to do to B1(c) 'light industrial' buildings?

Class PA of the GPDO allows for the change of use of an B1(c) building and any land within its curtilage (Use Class B1a) to residential use.

Can I make changes to the outside of the building?

No, any changes or extensions will need full permission

Does this apply to all B1(c) buildings?

The building must have been solely in use for B1(c) purposes on 19th March 2014 and not have been subject to an agricultural tenancy, unless the express consent of the landlord and tenant have been obtained.

So if it complies with that how many residential properties can I build?

The procedure does not apply if the gross floor space of the existing building exceeds 500 square metres.

There is no limit on the amount of properties provided but we recommend that they meet the national minimum space standards.

Does this apply everywhere?

It does not apply in:

- Conservation Areas
- Areas of Outstanding Natural Beauty
- The Broads
- National Parks and
- World Heritage Sites

The site must also not be in a site of special scientific interest (SSSI), a safety hazard area or a military explosives storage area.

The rules also do not apply if the building is a scheduled monument or a listed building.

If it is caught by one of the above can I still apply?

You cannot use the Prior Notification procedure but you could still make a full planning application.

Do I have to pay a planning fee?

A fee of £80 has to be made to the Council.

What else do I need to submit?

- a written description of the proposed development, which must include any building or other operations;
- a plan indicating the site and showing the proposed development;
- the developer's contact address;
- the developer's email address if the developer is content to receive communications electronically; and
- if the Environment Agency is to be consulted, a site specific flood risk assessment.

Is it then determined like any other planning application?

No. The Council can only consider a limited range of matters

- Transport and highway impacts
- Contamination risks on site
- Flooding risks on site
- If the building is within an area that the Planning Authority considers is *"important for providing industrial services or storage or distribution services or a mix of those services"*, *"whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services"*.

Can the planning authority impose conditions?

Yes the planning authority can impose conditions.

If I decide to make changes can I just do them?

If you don't build what you have approval for you may invalidate your permission and need to make a full application to seek to regularise the works.

How long do I have to do this?

These regulations are a 3 year temporary provision ending on 30 September 2020. The work must be completed within 3 years of the date of the prior approval being granted.

The above guidance only gives a flavour of what the Prior Notification system allows. Before undertaking any work you should seek professional advice to clarify matters.

The system is heavily caveated and needs to be approached carefully to secure planning permission.

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