

A GUIDE TO PRIOR NOTIFICATION FOR A CHANGE OF USE FROM SHOP TO RESIDENTIAL

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 shop buildings?

Class M of the GPDO allows for the change of use of a shop building and any land within its curtilage to residential use.

Can I make changes to the building?

No. Any changes to the outside or extensions will require planning permission.

Does this apply to all shop buildings?

The building must have been solely in use for shop purposes on 20th March 2013.

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

You can convert up to 150 square metres of gross floor space.

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 together with a further £92 for any external changes.

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
- whether it is undesirable for the building to change because of the impact of the change of use on adequate provision of services but only where there is a reasonable prospect of the building being used to provide such services, or where the building is located in a key shopping area, on the sustainability of that shopping area, and
- the design or external appearance of the building,

Can the planning authority impose conditions?

Yes the planning authority can impose conditions which may include how long you have in which to commence the works.

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

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

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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