

As I'm sure many of you will be aware, the Government published the new Permitted Development Regulations for Class E changes of use to Residential on Wednesday. This new Class will be called MA.

For those of you interested in the detail, here is a link to the actual regulations - <https://www.legislation.gov.uk/ukxi/2021/428/made/data.xht?view=snippet&wrap=true>

In summary, these rights will make it permitted development (via the prior approval process) to change from Class E (Commercial and Business uses - the 'old' Classes A1, A2, A3, B1, D1(a), D1(b), and D2(e)) to Class C3 (Residential). This is potentially a game changer for many people and has the potential to massively change high streets and commercial areas across the country.

- As with all PD rights there are a few rules, criteria and exceptions. In brief these are:
- The building has to have been in Class E (or the 'old' equivalents listed above) use for 2 years prior to being able to use the rights.
- The building has to have been vacant for 3 months before making the application.
- You can't make an application before 1st August 2021.
- Existing Article 4 Directions for Offices to Resi still apply until 1st August 2022 (this means you cannot use this right in RBKC for office to resi at the moment and potentially not at all if they manage to extend the existing Article 4 beyond 2022).
- Buildings with a cumulative floor space changing use under Class MA exceeding 1,500 square metres are excluded.
- Listed buildings are not included.
- Buildings in Conservation Area are included subject to an assessment of whether the change will impact the sustainability or character of the CA where the change involves the loss of commercial space on the ground floor.
- Nurseries and medical uses are included but an assessment on local provision needs to be made.
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You have to apply for consideration on matters such as flooding, transport, contamination, impact of noise on future residents and impact of intended occupiers on existing commercial operations (more industrial locations) and you have to provide natural light to all habitable spaces.

As ever, this is all a bit new and the above is just a brief summary. If you think you have a site that may be able to benefit from these changes that you would like us to look at, please do get in touch. Please also be aware that these changes aren't overly welcome by many Local Authorities and it is expected that many will look to resist their use. The Government has published changes to the Article 4 process to make it harder for Council's to prevent PD rights being taken away but given the implications of things like Class MA, my feeling is that many Council's will go ahead with trying to put in place Article 4 Directions until such a time they are told to stop by the courts.