

**Subject:** Changes to the Use Classes Order

**Date:** July 2020

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The Government has recently announced the most radical reforms to the Use Classes Order since its current version was created in 1987. Several new use classes will come into effect on 1 September 2020, promising much greater flexibility for a range of premises and uses, whilst offering greater protections to other uses.

The main changes are as follows:

- Most retail, office and light industrial uses will be merged into new **use class E: 'Commercial, Business and Service'**. This encompasses shops (currently class A1), professional services (class A2) and cafes and restaurants (class A3) although it is worth remembering there are already extensive permitted development rights to change between these uses. Class E also draws in uses in the current class B1 such as offices and light industrial uses which can be carried on in a residential area without harming local amenity. It also includes the far reaching category of "*any other services which it is appropriate to provide in a commercial, business or service locality*". Finally, class E brings in facilities currently in class D1 (non-residential institutions) such as doctors and creches, as well as fitness facilities and indoor recreation uses in class D2 (assembly and leisure), such as gyms. Perhaps reassuringly, the new use class E excludes any recreational activities involving firearms, or motorised vehicles.
- The **new use class F1 'Education and Non-Residential Institutions'** retains most of the remaining D1 uses such as schools, public venues such as museums and galleries, exhibition halls, places of worship, and law courts.
- The **new use class F2 'Local Community'** includes a somewhat disparate selection of uses which are considered to be of benefit to the community. These include small shops meeting certain criteria, community halls, outdoor sport and recreation areas, swimming pools and skating rinks.
- Finally, a range of specified uses – typically those associated with entertainment and the evening economy – such as drinking establishments (class A4), hot food takeaways (class A5) and a range of uses within class D2 (e.g. concert halls, bingo halls, performance venues and cinemas), all become Sui Generis uses.

The implications of these reforms will undoubtedly be significant. The 1987 Use Classes Order focused more on the specific uses at hand – for instance, it allowed for fine-grained control of shopping areas to achieve a specific mix of retail uses. By contrast, the 2020 iteration is more concerned with how those uses fit within their context. In particular, the new use class E draws in a whole host of uses which attract customers or visitors – the kind of uses that might lend themselves well to active frontages on shopping streets.

With the decline of traditional retail being accelerated by the Covid-19 pandemic, this means there will be less control over specific uses but it might enable other active uses to come forward on main streets. An unlet shop could, say, become an office or a gym. This flexibility

might be particularly useful for vacant department stores with large areas of difficult-to-fill floorspace.

The new class F2 appears to be designed to afford some degree of protection for the identified community uses – it is a very specific, tightly defined list of uses that include village stores and corner shops, community halls, and swimming pools. Unusually, it will be possible for a shop to switch use class without any intention of doing so – if there are two corner shops in class E in a locality and one of them closes, the remaining shop might well meet the criteria for inclusion in class F2.

As is ever the case in planning, there will be cases where definition of a use class is a matter of fact and degree – for example, since use class E allows for “*any other services which it is appropriate to provide in a commercial, business or service locality*” there will no doubt be debates about what those services might entail.