
STATUTORY INSTRUMENTS

1987 No. 764

**TOWN AND COUNTRY PLANNING,
ENGLAND AND WALES**

The Town and Country Planning (Use Classes) Order 1987

Made - - - - - *28th April 1987*

Coming into force - - - - - *1st June 1987*

The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 22(2) (f) and 287(3) of the Town and Country Planning Act 1971(1)(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Modifications etc. (not altering text)

- C1** [Order](#) applied (Crown) (with modifications) (E.) (7.6.2006) by [The Town and Country Planning \(Application of Subordinate Legislation to the Crown\) Order 2006](#) (S.I. 2006/1282), arts. 1, 5

Citation and commencement

1. This Order may be cited as the Town and Country Planning (Use Classes) Order 1987 and shall come into force on 1st June 1987.

Commencement Information

- II** [Art. 1](#) in force at 1.6.1987, see [art. 1](#)

Interpretation

2. In this Order, unless the context otherwise requires:—

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

“day centre” means premises which are visited during the day for social or recreational purposes or for the purposes of rehabilitation or occupational training, at which care is also provided;

(1) [1971c.78](#); section 22(2) (f) was amended by paragraph 1 of Schedule 11 to the Housing and Planning Act [1986](#) (c. 63).

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

F1
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“industrial process” means a process for or incidental to any of the following purposes:—

- (a) the making of any article or part of any article (including a ship or vessel, or a film, video or sound recording);
- (b) the altering, repairing, maintaining, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article; or
- (c) the getting, dressing or treatment of minerals;

in the course of any trade or business other than agriculture, and other than a use carried out in or adjacent to a mine or quarry;

F2
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“site” means the whole area of land within a single unit of occupation.

Textual Amendments

- F1** Words in [art. 2](#) omitted (1.6.1992) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) \(No. 2\) Order 1992 \(S.I. 1992/657\)](#), arts. 1, **2(1)**
- F2** Word in [art. 2](#) omitted (E.) (1.9.2020) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/757\)](#), regs. 1(1), **9**

Commencement Information

- I2** [Art. 2](#) in force at 1.6.1987, see [art. 1](#)

Use Classes

3.—(1) Subject to the provisions of this Order, where a building or other land [^{F3}is situated in Wales and] is used for a purpose of any class specified in [^{F4}Schedule 1], the use of that building or that other land for any other purpose of the same class [^{F5}is not to] be taken to involve development of the land.

[^{F6}(1A) Subject to the provisions of this Order, where a building or other land is situated in England and is used for a purpose of any class specified in—

- (a) Part B or C of Schedule 1, or
- (b) Schedule 2,

the use of that building or that other land, or if specified, the use of part of that building or the other land (“part use”), for any other purpose of the same class is not to be taken to involve development of the land.

(1B) Part B of Schedule 1 applies to a building or other land that is situated in England subject to the modifications set out in paragraph (1C).

(1C) Part B of Schedule 1 applies to a building or other land that is situated in England as if—

- (a) Class B1 (Business) were omitted, and
- (b) for Class B2 (General industrial) there were substituted—

“Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within the uses described in Schedule 2, Class E, sub-paragraph (g).”]

(2) References in paragraph (1) [^{F7}and (1A)] to a building include references to land occupied with the building and used for the same purposes.

(3) A use which is included in and ordinarily incidental to any use in a class specified in [^{F8}Schedule 1 or 2] is not excluded from the use to which it is incidental merely because it is specified in [^{F8}Schedule 1 or 2] as a separate use.

[^{F9}(4) Where land on a single site or on adjacent sites used as parts of a single undertaking is used for purposes consisting of or including purposes falling within—

- (a) in relation to Wales, Classes B1 and B2 in Schedule 1, or
- (b) in relation to England, the use described in Schedule 2, Class E, sub-paragraph (g) and Class B2 in Schedule 1 as modified by paragraph (1C)(b),

those classes may be treated as a single class in considering the use of that land for the purposes of this Order, so long as the area used for a purpose falling within Class B2, or Class B2 as modified, is not substantially increased as a result.]

[^{F10}(5)

(6) No class specified in [^{F11}Schedule 1 or 2] includes use —

- (a) as a theatre,
- (b) as an amusement arcade or centre, or a funfair,
- [^{F12}(c) as a launderette,]
- (d) for the sale of fuel for motor vehicles,
- (e) for the sale or display for sale of motor vehicles,
- (f) for a taxi business or business for the hire of motor vehicles,
- (g) as a scrapyards, or a yard for the storage or distribution of minerals or the breaking of motor vehicles,
- [^{F13}(h) for any work registrable under the Alkali, etc. Works Regulation Act 1906,]
- [^{F14}(i) as a hostel,]
- [^{F15}(j) as a waste disposal installation for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) or landfill of hazardous waste as defined (in relation to England) in regulation 6 of the Hazardous Waste (England and Wales) Regulations 2005 or (in relation to Wales) in regulation 6 of the Hazardous Waste (Wales) Regulations 2005,]
- [^{F16}(k) as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club;
- (l) as a night-club,]
- [^{F17}(m) as a casino[^{F18},]]
- [^{F19}(n) as a betting office,
- (o) as a pay day loan shop.]
- [^{F20}(p) as a public house, wine bar, or drinking establishment,
- (q) as a drinking establishment with expanded food provision,
- (r) as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises,
- (s) as a venue for live music performance,
- (t) a cinema,

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

- (u) a concert hall,
- (v) a bingo hall,
- (x) a dance hall.]

[^{F21}(6A) For the purpose of paragraph (6)—

“high-cost short-term credit” has the meaning given in the edition of the Financial Conduct Authority’s Handbook which came into effect on 1st April 2014 (following an amendment by the Authority in the Consumer Credit (Consequential and Supplementary Amendments) Instrument 2014); and

“pay day loan shop” means premises—

- (a) from which high-cost short-term credit is provided principally to visiting members of the public and includes premises from which such credit is provided in addition to other financial or professional services, and
- (b) which, but for provision made in this article, would fall within Class A2 (financial and professional services) of [^{F22}Schedule 1 or Class E (Commercial, Business and Service) of Schedule 2] to this Order.]

[^{F23}(7) Where a building or other land is situated in Wales, class B8 (storage or distribution) does not include use of that building or land for the storage of, or as a distribution centre for, radioactive material or radioactive waste.

[^{F24}(8) For the purpose of paragraph (7), “radioactive material” and “radioactive waste” have the same meaning as in [^{F25}the Environmental Permitting (England and Wales) Regulations 2016].]

Textual Amendments

- F3** Words in art. 3(1) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(2)(a)**
- F4** Words in art. 3(1) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(2)(b)**
- F5** Words in art. 3(1) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(2)(c)**
- F6** Art. 3(1A)-(1C) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(3)** (with regs. 3, 4)
- F7** Words in art. 3(2) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(4)**
- F8** Words in art. 3(3) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(5)**
- F9** Art. 3(4) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(6)**
- F10** Art. 3(5) omitted (1.6.1992) by virtue of The Town and Country Planning (Use Classes) (Amendment) (No. 2) Order 1992 (S.I. 1992/657), arts. 1, **2(2)**
- F11** Words in art. 3(6) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(7)(a)**
- F12** Art. 3(6)(c) substituted (31.7.1991) by The Town and Country Planning (Use Classes) (Amendment) Order 1991 (S.I. 1991/1567), arts. 1, **2(1)**
- F13** Art. 3(6)(h) inserted (31.3.1992) by The Town and Country Planning (Use Classes) (Amendment) Order 1992 (S.I. 1992/610), arts. 1(1), **2(1)(b)**
- F14** Art. 3(6)(i) inserted (4.4.1994) by The Town and Country Planning (Use Classes) (Amendment) Order 1994 (S.I. 1994/724), arts. 1(1), **2(1)**
- F15** Art. 3(6)(j) substituted (29.3.2011) by The Waste (England and Wales) Regulations 2011 (S.I. 2011/988), reg. 1(2), **Sch. 4 para. 8** (with regs. 2, 47(2))

- F16** Art. 3(6)(k)(l) inserted (E.) (21.4.2005) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 (S.I. 2005/84), arts. 1(1), **2(1)**
- F17** Art. 3(6)(m) added (E.) (6.4.2006) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2006 (S.I. 2006/220), arts. 1(1), **2(2)**
- F18** Art. 3(6): comma substituted for full stop (E.) (15.4.2015) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (S.I. 2015/597), arts. 1(1), **2(2)** (with art. 3)
- F19** Art. 3(6)(n)(o) inserted (E.) (15.4.2015) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (S.I. 2015/597), arts. 1(1), **2(2)** (with art. 3)
- F20** Art. 3(6)(p)-(x) inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(7)(b)**
- F21** Art. 3(6A) inserted (E.) (15.4.2015) by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (S.I. 2015/597), arts. 1(1), **2(3)** (with art. 3)
- F22** Words in art. 3(6A) substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **10(8)**
- F23** Art. 3(7)(8) inserted (W.) (12.8.2002) by The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2002 (S.I. 2002/1875), arts. 1(1), **2(2)**
- F24** Art. 3(8) substituted (6.4.2010 immediately after S.I. 2009/3381 comes into force) by The Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675), reg. 1(1), **Sch. 26 Pt. 2 para. 3** (with reg. 1(2))
- F25** Words in art. 3(8) substituted (1.1.2017) by The Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154), reg. 1(1), **Sch. 29 Pt. 2 para. 2** (with regs. 1(3), 77-79, Sch. 4)

Commencement Information

- I3** Art. 3 in force at 1.6.1987, see **art. 1**

Change of use of part of building or land

4. In the case of a building used for a purpose within class C3 (dwellinghouses) in [^{F26}Schedule 1], the use as a separate dwellinghouse of any part of the building or of any land occupied with and used for the same purposes as the building is not, by virtue of this Order, to be taken as not amounting to development.

Textual Amendments

- F26** Words in art. 4 substituted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), **11**

Commencement Information

- I4** Art. 4 in force at 1.6.1987, see **art. 1**

Revocation

5. The Town and Country Planning (Use Classes) Order 1972(2)(a) and the Town and Country Planning (Use Classes) (Amendment) Order 1983(3)(b) are hereby revoked.

Commencement Information

- I5** Art. 5 in force at 1.6.1987, see **art. 1**

(2) S.I.1972/1385.

(3) S.I. 1983/1614.

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The
Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

[^{F27}SCHEDULE 1]

Textual Amendments

- F27** Sch. renumbered as Sch. 1 (E.) (1.9.2020) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/757\)](#), regs. 1(1), **12**

[^{F28}PART A

Textual Amendments

- F28** Sch. Pt. A revoked (E.) (1.9.2020) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/757\)](#), regs. 1(1), **2(a)** (with regs. 3, 4, 4A, 7) (as amended by S.I. 2020/859, regs. 1, 2)

Commencement Information

- I6** Sch. Pt. A in force at 1.6.1987, see [art. 1](#)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- [^{F29}(i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,]

where the sale, display or service is to visiting members of the public.

Textual Amendments

- F29** Words in Sch. Pt. A substituted (31.7.1991) by [The Town and Country Planning \(Use Classes\) \(Amendment\) Order 1991 \(S.I. 1991/1567\)](#), arts. 1, **2(2)**

Class A2. Financial and professional services

Use for the provision of—

- (a) financial services, or
- (b) professional services (other than health or medical services), or

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

(c) any other services (including use as a betting office) which it is appropriate to provide in a shopping area,
where the services are provided principally to visiting members of the public.

Class A3. Food and drink

Use for the sale of food or drink for consumption on the premises or of hot food for consumption off the premises.]

PART B

Commencement Information

I7 Sch. Pt. B in force at 1.6.1987, see **art. 1**

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above ^{F30}....

Textual Amendments

F30 Words in Sch. Pt. B Class B2 omitted (9.3.1995) by virtue of The Town and Country Planning (Use Classes) (Amendment) Order 1995 (S.I. 1995/297), arts. 1(1), **2(2)(a)**

Class B3. Special Industrial Group A

^{F31}

Textual Amendments

F31 Sch. Pt. B Class B3 omitted (31.3.1992) by The Town and Country Planning (Use Classes) (Amendment) Order 1992 (S.I. 1992/610), arts. 1(1), **2(2)(b)**

Class B4. Special Industrial Group B

^{F32}

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

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Textual Amendments

F32 Sch. Pt. B Classes B4-B7 omitted (9.3.1995) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) Order 1995 \(S.I. 1995/297\)](#), arts. 1(1), **2(2)(b)**

Class B5. Special Industrial Group C

F32
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Textual Amendments

F32 Sch. Pt. B Classes B4-B7 omitted (9.3.1995) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) Order 1995 \(S.I. 1995/297\)](#), arts. 1(1), **2(2)(b)**

Class B6. Special Industrial Group D

F32
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Textual Amendments

F32 Sch. Pt. B Classes B4-B7 omitted (9.3.1995) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) Order 1995 \(S.I. 1995/297\)](#), arts. 1(1), **2(2)(b)**

Class B7. Special Industrial Group E

F32
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Textual Amendments

F32 Sch. Pt. B Classes B4-B7 omitted (9.3.1995) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) Order 1995 \(S.I. 1995/297\)](#), arts. 1(1), **2(2)(b)**

Class B8. Storage or distribution

Use for storage or as a distribution centre.

PART C

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Commencement Information

I8 Sch. Pt. C in force at 1.6.1987, see [art. 1](#)

[^{F33}**Class C1. Hotels**

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.]

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

Textual Amendments

- F33** Sch. Pt. C Class C1 substituted (4.4.1994) by [The Town and Country Planning \(Use Classes\) \(Amendment\) Order 1994 \(S.I. 1994/724\)](#), arts. 1(1), **2(2)**

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

^{F34}^{F35} C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.]

Textual Amendments

- F34** Sch. Pt. C Class C2A inserted (E.) (6.4.2010) by virtue of [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2010 \(S.I. 2010/653\)](#), arts. 1(1), **2(2)**
- F35** Sch. Pt. C Class C2A inserted (W.) (7.6.2006) by [The Town and Country Planning \(Miscellaneous Amendments and Modifications relating to Crown Land\) \(Wales\) Order 2006 \(S.I. 2006/1386\)](#), arts. 1(1), **2(2)**

^{F36}^{F37} Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Textual Amendments

- F36** Sch. Pt. C Class C3 substituted (with a minor difference of wording in "Interpretation of Class C3") (W.) (25.2.2016) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(Wales\) Order 2016 \(S.I. 2016/28\)](#), arts. 1(1), **2(2)**
- F37** Sch. Pt. C Class C3 substituted (E.) (6.4.2010) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2010 \(S.I. 2010/653\)](#), arts. 1(1), **2(3)**

Interpretation of Class C3

For the purposes of Class C3(a) “single household” [^{F36}shall][^{F36}is to] be construed in accordance with section 258 of the Housing Act 2004.]

Textual Amendments

- F36** Sch. Pt. C Class C3 substituted (with a minor difference of wording in "Interpretation of Class C3") (W.) (25.2.2016) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(Wales\) Order 2016 \(S.I. 2016/28\)](#), arts. 1(1), **2(2)**
- F37** Sch. Pt. C Class C3 substituted (E.) (6.4.2010) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2010 \(S.I. 2010/653\)](#), arts. 1(1), **2(3)**

[^{F38}Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Textual Amendments

- F38** Sch. Pt. C Class C4 inserted (E.) (6.4.2010) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2010 \(S.I. 2010/653\)](#), arts. 1(1), **2(4)**
- Sch. Pt. C Class C4 inserted (W.) (25.2.2016) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(Wales\) Order 2016 \(S.I. 2016/28\)](#), arts. 1(1), **2(3)**

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.]

Textual Amendments

- F38** Sch. Pt. C Class C4 inserted (E.) (6.4.2010) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Order 2010 \(S.I. 2010/653\)](#), arts. 1(1), **2(4)**
- Sch. Pt. C Class C4 inserted (W.) (25.2.2016) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(Wales\) Order 2016 \(S.I. 2016/28\)](#), arts. 1(1), **2(3)**

[^{F39}PART D

Textual Amendments

- F39** Sch. Pt. D revoked (E.) (1.9.2020) by [The Town and Country Planning \(Use Classes\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/757\)](#), regs. 1(1), **2(a)** (with regs. 3, 4, 4A) (as amended by S.I. 2020/859, regs. 1, 2)

Commencement Information

- I9** Sch. Pt. D in force at 1.6.1987, see [art. 1](#)

Class D1. Non-residential institutions

Any use not including a residential use —

Status: Point in time view as at 01/09/2020.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction.
- [^{F40}(i) as a law court.]

Textual Amendments

F40 Words in Sch. Pt. D inserted (W.) (7.6.2006) by The Town and Country Planning (Miscellaneous Amendments and Modifications relating to Crown Land) (Wales) Order 2006 (S.I. 2006/1386), arts. 1(1), 2(3)

Class D2. Assembly and leisure

Use as —

- (a) a cinema,
- (b) a concert hall,
- (c) a bingo hall or casino,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.]

[^{F41}SCHEDULE 2

Article 3

Textual Amendments

F41 Sch. 2 inserted (E.) (1.9.2020) by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (S.I. 2020/757), regs. 1(1), 13 (with reg. 7) (as amended by S.I. 2020/895, regs. 1, 2(2))

PART A

Commercial, Business and Service

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process,being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

PART B

Local Community and Learning

Class F.1 Learning and non-residential institutions

Any use not including residential use—

- (a) for the provision of education,
- (b) for the display of works of art (otherwise than for sale or hire),
- (c) as a museum,
- (d) as a public library or public reading room,
- (e) as a public hall or exhibition hall,
- (f) for, or in connection with, public worship or religious instruction,
- (g) as a law court.

Class F.2 Local community

Use as—

- (a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where—
 - (i) the shop's premises cover an area not more than 280 square metres, and

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Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Use Classes) Order 1987. (See end of Document for details)

- (ii) there is no other such facility within 1000 metre radius of the shop's location,
- (b) a hall or meeting place for the principal use of the local community,
- (c) an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms,
- (d) an indoor or outdoor swimming pool or skating rink.]

Nicholas Ridley
Secretary of State for the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Town and Country Planning (Use Classes) Order 1972 as amended by the Town and Country Planning (Use Classes) (Amendment) Order 1983.

This Order specifies classes of use of buildings or other land for the purposes of section 22(2)(f) of the Town and Country Planning Act 1971. Section 22(2) specifies operations or uses which are not to be taken for the purposes of the Act as involving development, and which therefore do not require planning permission. Paragraph (f) provides that a change of use is not to be regarded as involving development where the former use and the new use are both within the same class specified in an order made under that paragraph.

Various changes are made in this Order to the classes of use specified in the Schedule to the 1972 Order.

Class I of the 1972 Order specified use as a shop (which expression was defined in the Order) subject to specific exclusions. The specific exclusions of tripe shops, cats-meat shops and pet shops are no longer to be found in the new shops class A1. Use for the sale of hot food is now to be found in the new class A3 (food and drink) and is excluded specifically from class A1. The former exclusion of use for the sale of motor vehicles is now in article 3(6)(e).

Class A2 is a new class of use for financial, professional and other services. This combines some of the office uses formerly in Class II, and some uses formerly within the definition of “shop” as being uses of buildings for a purpose appropriate to a shopping area. The test of appropriateness to a shopping area governs the whole of class A2.

Class A3 (food and drink) is a new class. It combines use for the sale of hot food, which was formerly excluded from Class I, with use as a restaurant or for the sale of drink.

Class B1 combines some of the office uses formerly within Class II with uses for light industrial purposes formerly within Class III into a business class. It also includes use for the research and development of products or processes. A test similar to that which formerly applied to Class III — that is a use which could be carried out in any residential area without detriment to the amenity of that area — now governs all the purposes in this class.

Class B2 (general industrial) reflects the old Class IV.

Classes B3 to B7 reflect old Classes V to IX (Special Industrial Groups (A) to (E)). Although there has been some reorganisation, the content of these classes is the same.

Class B8 (storage and distribution) is based on former Class X but extends additionally to use of open land and to use as a centre for distribution.

Class C1 (hotels and hostels) largely reflects the former Class XI but makes it clear that this class does not cover any residential establishment where a significant element of care (defined in article 2) is provided.

Class C2 (residential institutions) combines the former Classes XII and XIV.

Class C3 (dwellinghouses) is a new class which comprises use as a dwellinghouse by an individual, by people living together as a family or by not more than six residents living together as a single household. In the case of people living together as a household rather than as a family, the use will continue to be within the class notwithstanding that an element of care (as defined in article 2) is provided for residents. The intention of this class is to include, for example, use as a dwellinghouse by individuals living together in the community who have formerly been in an institution of some kind.

Class D1 includes the uses formerly contained in Classes XIII, XV and XVI. Dispensaries are no longer included, and these will be either within class A1 (shops) or, where ancillary to a hospital, within class C2 residential institutions. Class D2 (assembly and leisure) includes uses formerly in Classes XVII and XVIII. It has been extended to include use for all indoor or outdoor sports with the exception of motor sports and sports involving firearms. Theatres which were formerly in Class XVII are no longer included in any of the classes (see article 3(6)).

One difference between this Order and the 1972 Order is that in Parts A and B of the Schedule to this Order the uses specified are uses of buildings or land whereas their equivalents in the 1972 Order specified uses of buildings. There are also more uses specifically excluded from the classes, and these are listed in article 3(6) of the Order.

Paragraph 1 of Schedule 11 to the Housing and Planning Act 1986 amended section 22(2)(f) of the 1971 Act by providing that a change of use of part of any building or land is not a material change of use where the former use and the latter use of the part are within the same class, subject to the provisions of an order made under that paragraph. Article 4 of the Order provides that use as a separate dwellinghouse of any part of a building or of land used for the purposes of class C3 (dwellinghouses) is not by virtue of this Order to be taken as not amounting to development.

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