

**Status:** Point in time view as at 05/03/2024.

**Changes to legislation:** There are currently no known outstanding effects for the *The Town and Country Planning (General Permitted Development) (England) Order 2015*, Cross Heading: *Class MA – commercial, business and service uses to dwellinghouses*. (See end of Document for details)

## SCHEDULE 2

### Permitted development rights

## PART 3

### Changes of use

*<sup>F1</sup>Class MA – commercial, business and service uses to dwellinghouses*

#### Textual Amendments

**F1** Sch. 2 Pt. 3 Class MA inserted (21.4.2021) by *The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 (S.I. 2021/428)*, arts. 1(1), 6 (with art. 15(3))

#### Permitted development

**MA.** *Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.*

#### Development not permitted

**MA.1.**—(1) Development is not permitted by Class MA—

<sup>F2</sup>(a) .....

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

<sup>F3</sup>(c) .....

(d) if land covered by, or within the curtilage of, the building—

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

(e) if the building is within—

- (i) an area of outstanding natural beauty;
- (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

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- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
  - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.
- (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
- (a) the following classes of the Schedule as it had effect before 1st September 2020—
    - (i) Class A1 (shops);
    - (ii) Class A2 (financial and professional services);
    - (iii) Class A3 (food and drink);
    - (iv) Class B1 (business);
    - (v) Class D1(a) (non-residential institutions – medical or health services);
    - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
    - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
  - (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

**Textual Amendments**

- F2** Sch. 2 Pt. 3 Class MA para. MA.1(1)(a) omitted (5.3.2024) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024 \(S.I. 2024/141\)](#), arts. 1(1), **3(2)(a)**
- F3** Sch. 2 Pt. 3 Class MA para. MA.1(1)(c) omitted (5.3.2024) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Order 2024 \(S.I. 2024/141\)](#), arts. 1(1), **3(2)(b)**

**Conditions**

**MA.2.**—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
  - (i) the building is located in a conservation area, and
  - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

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- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; <sup>F4</sup>...
- (h) where the development involves the loss of services provided by—
  - (i) a registered nursery, or
  - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,the impact on the local provision of the type of services lost <sup>F5</sup>; and
  - (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]
- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.
- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph <sup>F6</sup>as if—
  - (a) for paragraph (e) of sub-paragraph (2) there were substituted—
    - “(e) where—
      - (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
      - (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;
  - (b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;
  - (c) after sub-paragraph (6) there were inserted—
    - “(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;
  - (d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;
- (5) Development must be completed within a period of 3 years starting with the prior approval date.
- (6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]

#### Textual Amendments

- F4** Word in Sch. 2 Pt. 3 Class MA para. MA.2(2)(g) omitted (1.8.2021) by virtue of [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(16)(a)(i)(aa)** (with Sch.)
- F5** Sch. 2 Pt. 3 Class MA para. MA.2(2)(i) and word inserted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(16)(a)(i)(bb)** (with Sch.)

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**F6** Words in Sch. 2 Pt. 3 Class MA para. MA.2(4) substituted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(16)(a)(ii)** (with Sch.)

### [<sup>F7</sup> Interpretation of Class MA

**MA.3.** Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the *Town and Country Planning (Development Management Procedure) (England) Order 2015*.]

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### Textual Amendments

**F7** Sch. 2 Pt. 3 Class MA para. MA.3 inserted (1.8.2021) by [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) \(No. 2\) Order 2021 \(S.I. 2021/814\)](#), arts. 1(1), **4(16)(b)** (with Sch.)

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