

Status: Point in time view as at 05/03/2024.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 D – commercial, business and service etc to temporary flexible use*. (See end of Document for details)

SCHEDULE 2

Permitted development rights

PART 4

Temporary buildings and uses

Class D – [F1 commercial, business and service etc to temporary flexible use]

Textual Amendments

- F1** Sch. 2 Pt. 4 Class D heading 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), 5(4)(a) (with Sch.)

Permitted development

D. Development consisting of a change of use of a building and any land within its curtilage—

[F2(a) from a use falling within one of the following provisions of the Use Classes Order—

- (i) article 3(6)(n) (betting office);
- (ii) article 3(6)(o) (pay day loan shop);
- (iii) article 3(6)(r) (hot food takeaway); or
- (iv) Class E (commercial, business and service) of Schedule 2,

(b) to a flexible use falling within one of the following provisions of Schedule 2 to that Order—

- (i) Class E (commercial, business and service);
- (ii) Class F.1(b) (display of art);
- (iii) Class F.1(c) (museum);
- (iv) Class F.1(d) (public library or public reading room); or
- (v) Class F.1(e) (public hall or exhibition hall),]

Textual Amendments

- F2** Sch. 2 Pt. 4 Class D para. D(a)(b) 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), 5(4)(b) (with Sch.)

for a single continuous period of up to [F3 3 years] beginning on the date the building and any land within its curtilage begins to be used for the flexible use or on the date given in the notice under paragraph D.2(a), whichever is the earlier.

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Textual Amendments
F3 Words in Sch. 2 Pt. 4 Class D para. D substituted (25.5.2019) by [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019 \(S.I. 2019/907\)](#), regs. 1(2), **11(b)**

Textual Amendments
F3 Words in Sch. 2 Pt. 4 Class D para. D substituted (25.5.2019) by [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019 \(S.I. 2019/907\)](#), regs. 1(2), **11(b)**

Development not permitted

D.1 Development is not permitted by Class D if—

- (a) the change of use relates to more than 150 square metres of floor space in the building;
- (b) the site has at any time in the past relied upon the permission granted by Class D;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area;
- (e) the building is a listed building or a scheduled monument; or
- ^{F4}(f)

Textual Amendments
F4 Sch. 2 Pt. 4 Class D para. D.1(f) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017 \(S.I. 2017/619\)](#), arts. 1, **3(2)(b)(iii)** (with art. 5)

Conditions

D.2 Development is permitted by Class D subject to the following conditions—

- (a) the developer must notify the local planning authority of the date the site will begin to be used for one of the flexible uses, and what that use will be, before the use begins;
- (b) at any given time during the [^{F5}3 year] period referred to in Class D the site is used for a purpose or purposes falling within just one of the use classes comprising the flexible use;
- (c) the site may at any time during the [^{F6}3 year] period change use to a use falling within one of the other use classes comprising the flexible use, subject to further notification as provided in paragraph (a);
- (d) for the purposes of the Use Classes Order and this Order, during the period of flexible use the site retains the use class it had before changing to any of the flexible uses under Class D;
- (e) the site reverts to its previous lawful use at the end of the period of flexible use;
- ^{F7}(f)

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Textual Amendments

- F5** Words in Sch. 2 Pt. 4 Class D para. D.2(b) substituted (25.5.2019) by [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019](#) (S.I. 2019/907), regs. 1(2), **11(c)**
- F6** Words in Sch. 2 Pt. 4 Class D para. D.2(c) substituted (25.5.2019) by [The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019](#) (S.I. 2019/907), regs. 1(2), **11(c)**
- F7** Sch. 2 Pt. 4 Class D para. D.2(f) omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017](#) (S.I. 2017/619), arts. 1, **3(2)(b)(iv)** (with art. 5)

Interpretation of Class D

D.3 For the purposes of Class D—

F8 ...

“flexible use” means use of any building or land for a use falling within the list of uses set out in Class D(b) and change of use (in accordance with Class D) between any use in that list.

Textual Amendments

- F8** Words in Sch. 2 Pt. 4 Class D para. D.3 omitted (23.5.2017) by virtue of [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2017](#) (S.I. 2017/619), arts. 1, **3(2)(b)(v)** (with art. 5)

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