



Planning Change of use Guide

It is expected the most cost effective and efficient way for a Club to expand will be to make use of and move into existing building premises. It is anticipated the most likely sources that would be vacant are industrial or commercial buildings as these are likely to have suitable clear height and clear floor area already available. The guidance contained below, therefore, focuses on Change of Use Planning Applications. However, it should be noted that the general planning submission procedures followed are similar for full new build projects or extensions and alterations of buildings and the like. This guidance is offered as an introductory measure and not a definitive source of legal information. The guidance relates to the planning regime for England.

Use Classes

Town and Country Planning Order 1987 put uses of land and buildings into various categories known as "Use Classes". Those Classes are:

- A1 Shops
- A2 Financial and Professional Services
- A3 Restaurants and Cafes
- A4 Drinking Establishments
- A5 Hot Food Takeaways
- B1 Business
- B2 General Industrial
- B8 Storage or Distribution
- C1 Hotels
- C2 Residential Institutions
- C2a Secure Residential Institutions
- C3 Dwelling Houses
- C4 Houses in multiple occupation
- D1 Non Residential Institutions
- D2 Assembly and Leisure
- Sui Generis

The Local Planning Authority will determine which Use Class a particular project falls into. The Sui Generis category captures projects which do not fall within the other defined Use Classes.

Gymnastics facilities fall in the D2 Assembly and Leisure category. This also includes cinemas, music and concert halls, bingo and dance halls (but not nightclubs), swimming baths, skating rinks, gymnasiums or areas for indoor or outdoor sports and recreations (except for motor sports or where fire arms are used). In many cases involving similar types of use, a Change of Use of a building or land will not need Planning Permission. Specifically to a gymnastics centre, if the building or land already falls under D2 Assembly and



Leisure Use it is most unlikely that a Change of Use Planning Permission will be required. However, consult and confirm with your Local Planning Authority before proceeding.

Please note that whether or not a Change of Use Planning Permission is needed, any external building work associated with premises will require a specific Planning Permission. Only domestic residences may have permitted development rights and these will be limited. Anything out of the domestic dwelling houses categories will have no such rights.

Planning Office Consultations

Consult with your Local Authority's Planning Department at a very early stage, before you make any offer on lease or purchase for buildings or land.

All Local Authorities run Planning Departments. These are staffed by Planning Officers, Technicians and Assistants. Each Planning Officer will be responsible for a specific area of the town or borough. The Planning Officers have good local knowledge of the areas for which they are responsible. They also have good knowledge of national and local planning policy.

So when you consult with the Planning Department, you will need to tell them exact details of the address of the premises or land you are looking at so they can put you through to the appropriate Officer. Most Planning Officers are pleased to offer clear and honest guidance and advice in regard to any proposals brought before them. But beware that some Authorities will only offer limited guidance unless a more formal approach is taken, for which they may charge nominal fees.

You should clearly state your proposals and ideas with the Planning Officer and ask for their views. They will give you their best advice as to whether your proposal is likely to be approved or rejected, should a formal application be made. They will give you reasons in relation to their views, stating policy where appropriate. They will also offer advice as to any adjustments they feel may be advisable.

What may appear on the face of it to be a logical choice of premises for a Change of Use may go totally against the Council or national policy. For instance, a large warehouse on an industrial estate may seem an ideal structure. However, Local Authority policy may sensibly look to prevent a lot of people, especially children, regularly accessing that building within an industrial estate on health and safety grounds.

It should be noted that even with Planning Officers or other professional advice, there is no guarantee that a Planning Permission will be gained. Once the Application is made, there is a formal consultation process which is committed to taking views and objections into account, both from the public and from Statutory Authorities. Whilst an objection to an Application does not automatically mean that it will fail, if substantial contrary evidence is compiled then this is more likely. However, Planning Officer's initial advice is usually very good guidance.

This action is deemed as "Pre-Application Consultation" and you should refer to this in any Application. The Planning Officer will also guide you as to what support documents will be required to accompany the Application. In the case of Change of Use Applications these are likely to be minimal and comprise a Site Location Plan based on Ordnance maps and perhaps basic plans



and elevations of the property. However, it should be noted that particular circumstances of the property may require other supporting documents which may need to be prepared by a Specialist Consultant. If material alterations to the premises are also proposed as part of the Application, then more detailed building plans and a Design and Access Statement will be required.

The Planning Officer will also guide you as to whether the premises in question fall within a conservation area or are listed buildings. (This is unlikely if this is fairly modern industrial premises).

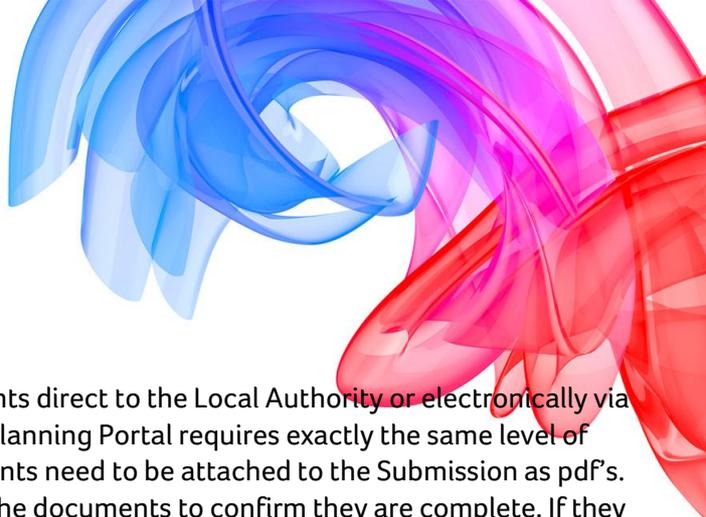
Therefore, in short, before you negotiate a lease or buy a property, check whether you need to obtain (Change of Use) Planning Permission for your intended use, and if so, your chances of getting it.

Making a Planning Application for a Material Change of Use of land or buildings

To simplify, there are essentially two types of Planning Application; Application for Planning Permission and Application for Outline Planning Permission. There are other sub categories and options to vary or resolve Planning Conditions, but these should not be of concern with regard to Change of Use Applications. An Application for Outline Planning Permission is likely to require less support information. However, it will then require a subsequent Application for Approval of Reserved Matters. This type of Application is really more used to set a principle that development might be possible. For instance, a large scale housing development on a greenfield site where it would be imprudent to spend large amounts of time on preparing detailed documents and design. For the purposes of a Change of Use or Planning Permission specific to a single property, there is little practical use in following the Outline Planning Permission route. The Application for Planning Permission (Full Planning Permission) will be the appropriate route to follow. You will be required to fill in a standard application form which looks for a series of specific answers to questions. You will also be required to complete Ownership Certificates which will state ownership of the building and, if not your own, confirm you have notified the owner of the building about the Application. You will also have to complete an Agricultural Holdings Certificate to confirm the property is not agricultural or otherwise. You will have to attach the supporting documents as agreed with the Planning Officer at your pre-application discussion. Lastly, you will have to include the appropriate application submission fee. These are standard charges, but are adjusted from time to time.

If the property is owned by others, for instance you are taking on a short term lease, then you must notify the landlord in a standard form.

If the property is within conservation area or is a listed building then you will also have to complete further standard forms and include further documents, again as agreed at the Pre-Submission Consultation.



You may make the Submission either by paper documents direct to the Local Authority or electronically via the Planning Portal (www.planningportal.gov.uk). The Planning Portal requires exactly the same level of information as a paper submission. Supporting documents need to be attached to the Submission as pdf's. Once submitted, the Planning Authority will review all the documents to confirm they are complete. If they require further information to complete that submission, they will request it. Once they are content that all appropriate documents have been received, they will register the Application and send you a Notice accordingly. The submission process should then take between 8 – 13 weeks to process before a decision is decided upon. The Planning Authority may contact you and ask for clarification of points or for further information or supporting documents during the submission process. You will need to provide these within the timescales offered.

Planning Decisions can be made at Officer level or Committee level depending on the Council's policies. The Planning Officer will guide you through this. Effectively, the Planning Committee can give the Planning Officer authority to determine particular applications without reference to Committee Meetings if they are relatively uncontroversial.

At the end of the time period, you will be issued a Notice stating whether permission has been granted or denied. Conservation Area or Listed Building Approval (or rejection) will be issued with the Planning Decision where appropriate.

The Planning Permission may contain Conditions which you will have to comply with. Some of the Conditions may require further Planning Submission to discharge.

Building Regulations

The Building Regulations may also apply to certain Changes of Use of an existing building even though you may think that work involved in the project will not amount to "building work". Whilst this is a separate issue, once you have gained your Planning Decision, you should contact your Local Authority Building Control Department for further advice.

For instance, a Gymnastics Centre is likely to house a relatively high number of people during a session. Assuming adaptation of an existing building, the previous use may have had much lower occupancy. So, you may need to increase fire escape facilities by way of wider doors or more doors. These would then immediately fall under the Building Regulations and require specific consent.

This briefing document does not cover the Building Regulations process, it merely alerts you to the possibility.

Other Duty of Care Investigations and Certificates

You will have Duty of Care to ensure your premises are safe to use. Further investigations may be required, but not specifically as part of the Planning process. For example:



An Environmental Study, for instance if the building had been used for industrial processes, then this would check there is no contamination present which may be detrimental or otherwise advice on methods to mitigate.

Asbestos Report, it is a statutory requirement that all existing commercial buildings have an Asbestos Report to determine whether any asbestos is present and if so what grade and whether any action should be taken.

Energy Performance Certificate (EPC), all non domestic buildings are required to have an Energy Performance Certificate at point of sale or lease. The building vendor or leaser is required to provide this Certificate. This gives an indication of the energy efficiency of the building. The better the efficiency the lower the running costs.

It should be noted this is not considered a comprehensive list, it merely points towards some other potential requirements. You should take advice from a qualified surveyor or architectural consultant in this respect.

Architectural and Surveying Consultants

We would recommend that for all but the very simplest of Planning Applications, it is money well spent to employ an architectural or building surveying consultant who will be expert in this field. Chartered Practices can be located via the Royal Institution of Chartered Surveyors, the Royal Institute of British Architects or the Chartered Institute of Architectural Technologists.

Planning Permissions are generally valid for three years from date of approval, unless otherwise stated in the Notification. This means the development must be significantly underway within three years. In the case of Change of Use applications, the premises would need to be effectively used for the purpose within that time.