
STATUTORY INSTRUMENTS

2013 No. 1101

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

Amendments in relation to temporary use of buildings

7. In Part 4 of Schedule 2 (temporary buildings and uses), after Class B insert—

“Class C

Permitted development

C. The use of a building and any land within its curtilage as a state-funded school for a single academic year.

Development not permitted

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

- (a) the existing use of the site is not a class of use specified in the Schedule to the Use Classes Order;
- (b) the site is or forms part of a military explosives storage area;
- (c) the site is or forms part of a safety hazard area;
- (d) the building is a listed building or a scheduled monument.

Conditions

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

- (a) the site must be approved for use as a state-funded school by the relevant Minister;
- (b) the relevant Minister must notify the local planning authority of the approval and of the proposed opening date of the school;
- (c) the site is to be used as a state-funded school and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school;
- (d) the permission is granted for one academic year and it may be used only once in relation to a particular site;
- (e) the site reverts to its previous lawful use at the end of the academic year.

Interpretation of Class C

C.3 For the purposes of Class C—

“academic year” means any period beginning with 1st August and ending with the next 31st July;

“relevant Minister” means the Secretary of State with policy responsibility for schools;

“state-funded school” means a school funded wholly or mainly from public funds, including—

- (i) an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(1);
- (ii) a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(2).

Class D

Permitted development

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

- (a) **to a flexible use falling within either Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes) or Class B1 (business) of the Schedule to the Use Classes Order,**
- (b) **from a use falling within Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), Class A5 (hot food takeaways), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) of that Schedule,**

for a single continuous period of up to two years beginning on the date the building and any land within its curtilage begins to be used for one of the flexible uses.

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.

Conditions

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

-
- (1) 2010 c. 32; relevant amendments were made by Part 6 of the Education Act 2011 (c. 21). The reference to educational institutions established under the Academies Act 2010 is intended to include city technical colleges, city colleges for the technology of the arts, city academies and Academies established under sections 482 and 483 of the Education Act 1996 (c. 56), which were repealed and re-enacted by the Academies Act 2010. A direct reference in this instrument to sections 482 and 483 would be construed, under section 17 of the Interpretation Act 1978 (c. 30), as a reference to sections 482 and 483 as re-enacted in the Academies Act 2010.
 - (2) 1998 c. 31.

- (a) the developer shall 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 two year period referred to in paragraph D the site shall be 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 two 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.

Interpretation of Class D

D.3 For the purposes of Class D “flexible use” has the meaning given in paragraph D(a).

Interpretation of Part 4

E. For the purposes of Part 4—

“2010 Order” means the Town and Country Planning (Development Management Procedure) (England) Order 2010(3);

“military explosives storage area” means an area, including an aerodrome, depot or port, within which the storage of military explosives has been licensed by the Secretary of State for Defence, and identified on a safeguarding map provided to the local planning authority for the purposes of a direction made by the Secretary of State in exercise of powers conferred by article 25(1) of the 2010 Order (or any previous powers to the like effect)(4);

“safety hazard area” means an area notified to the local planning authority by the Health and Safety Executive for the purposes of paragraph (e) of the Table in Schedule 5 to the 2010 Order (or any previous powers to the like effect);

“site” means the building and any land within its curtilage.”

(3) [S.I. 2010/2184](#); to which there are amendments not relevant to Part 4.

(4) See the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002, which is annexed to Joint Circular 01/2003 issued on 27 January 2003 by the Office of the Deputy Prime Minister (now the Department for Communities and Local Government), the Department for Transport and National Assembly for Wales (now the Welsh Assembly Government).