



Building & Development Control

# Supplementary Planning Guidance

Material change of use and Use classes explained.

## Supplementary Planning Guidance: Material change of use and Use Classes.

### Introduction

In the Building and Development Control (Alderney) Law 2002 the meaning of development is explained as;

*“the carrying out of any building, engineering, mining or other operation in, on, over or under land and includes – the making of any material change in the use of any building or land.”*

There is no statutory definition of 'material change of use'; however, it is linked to the significance of a **change** and the resulting impact on the **use** of land and buildings. The adverse impacts on a residential neighbourhood or commercial area have to be kept to a minimum and one way of achieving this is through the requirement for planning permission for a change of use. Whether a **material change of use** has taken place is a matter of fact and degree and this will be determined on the individual merits of a case, assessing the impact and either refusing the use or granting with conditions if they can be imposed to control the impact to an acceptable level.

The UK has the Use Classes Order, which puts uses of land and buildings into various categories known as 'Use Classes'. Generally a proposed development will need planning permission to change from one class to another, although there are some exceptions where changes within the same class will not need to obtain planning permission.

The States of Alderney do not have such a system in place, legislatively, but this guidance explains when one will and when one won't need to apply for planning permission in regard to use.

The following list gives an indication of the types of use which may fall within each use class. Planning permission will always be needed if the proposed development includes a change from one category Class A1 to a different letter e.g. B1. However, smaller changes within the same use class may not need planning permission.

Whilst a change of use might not need permission, any external building works associated with a change of use may still require planning permission.

Class	Title	Use
<b>A1</b>	<b>Shops</b>	Shops, retail warehouses, hairdressers, travel & ticket agencies, post offices, pet shops, sandwich bars and showrooms.
<b>A2</b>	<b>Financial &amp; Professional Services</b>	Banks, Building Societies, professional services. It does not include betting offices.
<b>A3</b>	<b>Restaurants, Cafes &amp; Bars</b>	For the sale of food and drink for consumption on the premises.
<b>B1</b>	<b>Business</b>	Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area.
<b>B2</b>	<b>Light &amp; General Industrial</b>	Use for industrial process other than one falling within class B1.
<b>B3</b>	<b>Storage &amp; Distribution</b>	This class includes open air storage.
<b>C1</b>	<b>Dwellings</b>	All residential units, flats, houses and forts.

<b>C2</b>	<b>Residential Institutions</b>	Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres
<b>C3</b>	<b>Serviced Accommodation</b>	Hotels, boarding and guest houses where no significant element of care is provided, which is serviced.
<b>C4</b>	<b>Unserviced Accommodation</b>	Self-catering accommodation, which is unserviced.
<b>D1</b>	<b>Community &amp; Cultural Use</b>	Clinics, health centres, crèches, day nurseries, day centres, schools, art galleries, museums, libraries, halls, places of worship, church halls, law courts. Non-residential education and training centres.
<b>D2</b>	<b>Assembly &amp; Leisure</b>	Cinemas, music and dance halls, swimming pools, sports and recreational buildings.

Planning permission is not needed when the existing and the proposed uses fall within the same 'use class.' For example, a greengrocer's shop could be changed to a shoe shop without the need for planning permission and a restaurant could be changed into a shop or an estate agency because these changes are not deemed to have adverse impacts to the neighbourhood or commercial area.

From	To
<b>A1</b>	<b>A2</b> <b>A3</b> up to 150sqm <b>C1</b> up to 150sqm
<b>A2</b>	<b>A1</b> <b>A3</b> up to 150sqm <b>C1</b> up to a50sqm
<b>A3</b>	<b>A1</b> <b>A2</b>
<b>B1</b>	<b>B3</b> up to 500sqm
<b>B2</b>	<b>B1</b> <b>B3</b> up to 500sqm
<b>B3</b>	<b>B1</b> up to 500sqm
<b>C1</b>	<b>C4</b>
<b>C4</b>	<b>C1</b>

The table provides a summary for the most common changes of use that apply in most circumstances, but there may also be further restrictions such as if the property is in a Conservation Area or is on the Historic Building and Ancient Monument Register.

Mixed use developments will be assessed individually on their merits.

Business or storage/distribution change to residential can happen, they will need planning permission and accord with the LUP, which states the business has to show that it is no longer viable as an office or storage outlet for up to 3yrs before a conversion can take place.

Agricultural buildings within the Designated Area, cannot change use.

This guidance is only advice, should you have any further questions please contact the planning office.