



BRIEFING NOTE

March 2024

Amended Class MA - Commercial to Residential Permitted Development Rights (2024)

The Secretary of State announced an amendment to Class MA on 13 February 2024 and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 came into force on **5 March 2024**.

The right will apply PROVIDED:	
Building was continuously in lawful class E use for 2 years before making Prior Approval application	
The building is in England or Wales	
However, the following EXCLUSIONS apply:	
The building or its curtilage are	within a SSSI
	part of a Listed building or land within its curtilage
	part of a Scheduled Ancient Monument or land within its curtilage
	part of a safety hazard area
	part of a military explosives storage area
	within an Area of Outstanding Natural Beauty
	within a s41(3) area ¹
	within the Broads
	within a National Park
within a World Heritage Site	
occupied under an agricultural tenancy ²	
PRIOR APPROVAL is required as follows:	
Transport impacts ("particularly to ensure safe site access")	
Contamination risks ("in relation to the building")	
Flooding risks ("in relation to the building")	
Impacts of noise from commercial premises	
Impact of whole/part of ground floor change of use on the character or sustainability of a Conservation Area (if applicable)	
Provision of "adequate" natural light in all habitable rooms	
Impact on intended occupiers of being in an industrial area ³	
Impact of losing a nursery or NHS health centre	
Fire safety impacts on the intended occupants of the building (if applicable)	

Important Notes:

- Class O office to residential PD rights were withdrawn on 31st July 2021
- Development must be COMPLETED within 3 years of Prior Approval
- Article 4 Directions restricting change of use from Class E to residential will continue to apply
- The PD right applies to change of use, not physical alterations; if planning permission is required for such alterations, a separate application will need to be made
- It applies within Conservation Areas
- The fire risk requirement is triggered if the development contains two or more dwellinghouses, and is higher than 18 metres (not including plant or machinery on the roof), or comprises more than 7 storeys from ground level; a Fire Statement will be required
- There are no affordable housing, SUDS, energy or amenity space requirements
- Nationally Described minimum space standards will apply
- CIL is applicable (and the vacancy requirement must be considered carefully)
- The converted building must remain in Class C3 use

The above is only a summary, and it should not be relied upon in the absence of full professional advice.

¹ s41(3) of the Wildlife & Countryside Act 1981

² Unless the landlord and tenant have expressly consented

³ The definition of an industrial area is "an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses"