GP PRACTICE BUILDINGS

Amendment to the Town and Country Planning (General Permitted Development Order) 2015 and the impact on **GP Practice buildings**.

Prior to recent Land Use Class Reforms, GP Practices fell under Use Class D1 – ‘community uses’. These were typically protected by Local Authorities, and it was notoriously hard to obtain Planning Permission for a change of land use from D1 into residential accommodation (Use Class C3), typically requiring a marketing period of up to 2 years giving priority to other D1 uses (for example, nurseries).

In September 2000, the Government overhauled the Use Class Order and abolished use class D1. Some of the uses within this were re-categorised as ‘educational institutions’ such as Schools and Museums and were put into a new use class - F1 - with similar protections to the former D1 allocation.

GP surgeries were allocated under new Use Class E (commercial, business and service uses), along with a range of other professional and commercial services.

Permitted development rights ‘Permitted development rights’ (PDR) allow landowners (or developers) development opportunities without the need for planning permission.

PDR are legislated by the Government and, therefore, does not require Planning Approval of the local Planning Authority. ‘Development’ in planning terms includes construction and change of land use. Previously, a change from D1 to C3 (residential) use was not a PDR, and therefore required Planning Permission.

The Government has recently announced, however, a new change of use PDR - ‘Class MA’ – that allows a change of use from E-classes to C3.

This means that GP Practices (recently reclassified under Use Class E) - subject to meeting the exceptions and conditions below - now have PDRs to convert their premises into C3 residential accommodation, without the need for planning permission.

The Local Authority must be notified of the intention to enact a PDR, and ensure it is compliant with the law (as opposed to making a ‘determination’ on the merits of the scheme, as would be the case on a full planning application). The legislation came into force on 21 April 2021.

The relevant section (class MA) of the legislation amendment can be found here. Conditions Practices and commissioners should review the legislation in detail to ensure compliance.

But in summary, development is permitted by class MA subject to the following conditions:

* The building has been vacant for 3 months;
* It has been a GP Practice for a continuous period of at least 2 years;
* The building is smaller than 1,500sqm (building exceeding this size do not qualify for the PDR);
* The building is not in an area of outstanding natural beauty (or a list of other protected areas – see the legislation);

No applications can be made under this PDR until August 2021. The Local Authority will also be required to confirm that the proposal has no adverse impact on highways safety, and a small number of environmental health impacts (e.g. flooding, contamination and noise).

In the case of GP Practices, they will also be asked to consider the ‘impact on local provision of local services’ – though it is unclear how this is demonstrated.

Conclusion - These changes unlock the development potential across vast swathes of GP real estate in England and Wales.

Previously, many Local Planning Authorities (LPAs) put significant hurdles to restrict the loss of D1 uses.

The new ‘class MA’ PDR enables the conversion of existing GP premises, subject to conditions, into residential premises without the need for Planning Permission.

Note that it does not grant permission for any external works (e.g. extensions or changes to the windows / doors) – but class MA removes perhaps the most significant challenge for the conversion of GP Practice premises into housing (i.e. that of change of land use), streamlining the development process and reducing timelines for delivery. Internal reconfiguration of premises does not require planning permission