

Assessed impact on the Local Plan: Strategy and Sites (2019) economy (employment and retail) policies of changes to the Use Classes Order and Permitted Development rights

Date: 7th October 2020

1. Background

1.1. This document has been prepared by the Planning Policy team at Guildford Borough Council to support the Council's Development Management team in their assessment of planning applications in light of recent legislative changes concerning the Use Classes Order (UCO) and Permitted Development rights. These changes are reflected in:

- The Town and Country Planning (Use Classes) Order 1987 brought about by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020¹; and
- The Town and Country Planning (General Permitted Development) (England) Order 2015 brought about by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 (GPDO)².

1.2. The guidance within this document is not intended to constitute policy or a material consideration in its own right and may be updated from time to time in the light of appeals and associated precedent, as case law develops and/or further Government guidance is issued. It reflects the current views of the policy team as to the applicability of and weight to be given to Policies E1 to E9 of the Local Plan: Strategy and Sites (LPSS) in light of the above changes to the UCO and GPDO.

1.3. Furthermore, the guidance is not intended to be the definitive statement of the Planning Policy team's views; consultation on these issues may be appropriate on individual applications. Nor does it replace the need for an assessment of the application of, and weight to be given to, Policies E1 to E9 on a case by case basis.

1.4. Government has also recently updated its guidance regarding when planning permission is required: <https://www.gov.uk/guidance/when-is-permission-required>. This reflects on recent amendments to the UCO.

2. Key applicable changes

2.1. Key changes as a result of the above legislation impacting on provisions of Policies E1 - E9 can broadly be considered in two parts.

¹ Which came into force on 1 September 2020, save for transitional provisions which have the effect of maintaining the uses classes previously in place for the purpose of the GDPO until 31st July 2021. See <https://www.legislation.gov.uk/uksi/2020/757/contents/made>

² Which came into force on 31st August 2020. See <https://www.legislation.gov.uk/uksi/2020/756/contents/made>

- 2.2. Firstly, from 1 September 2020, **the UCO** has been amended. In this regard, there are significant changes. A number of uses that were previously in separate use classes are now part of the same use class. For instance, previous Use Classes A1, A2, A3, B1(a), B1(b), B1(c) and some specific D1 and D2 uses are now within a new Use Class E, which will denote 'Commercial, Business and Service' uses³. Furthermore, A4 and A5 uses are now considered sui generis.
- 2.3. This is significant because where a change of use takes place between uses in the same class this does not constitute 'development' for the purposes of the Town and Country Planning Act 1990, and therefore planning permission is not required.⁴
- 2.4. Secondly, the amended **GDPO** from 31 August 2020, in broad summary, makes it permitted development (Class ZA) to demolish a single detached building with a footprint of up to 1,000 sqm that has been vacant for at least six months and which comprises an office, research and development or light industrial use, and/or⁵ a single purpose-built detached purpose-built block of flats, and to re-erect a single building constituting of either a purpose-built detached block of flats or detached dwelling house.⁶
- 2.5. The permitted development rights under Class ZA are subject a number of exceptions and conditions, as well as imposing a prior approval process which covers a wider range of topics. Careful consideration will need to be given on a case-by-case basis as to whether the permitted development granted by Class ZA applies.

3. Effect of the legislative changes on Policies E1 – E9

- 3.1. There may be a temptation to disregard entire Policies within this chapter of the LPSS. This approach is not considered appropriate. A careful review of the scope of impact of the legislative changes on each of the policy provisions has been undertaken and is included at **appendix 1**.
- 3.2. Many of the provisions of the LPSS policies seek to resist the changes of use now permitted by the UCO and GPDO, subject to certain criteria. Broadly the impact of these amendments has:
 - i. reduced the applicability of LPSS policies –because of the broader range of circumstances in which a grant of planning permission is no longer required – and;

³ D1 uses to become part of Class E include clinics, creches, day nurseries and day centres, whilst other D1 uses will have their own use class F.1. D2 uses to become part of Class E include gyms and indoor recreation facilities not involving motorised vehicles or firearms. Other D2 uses, and A1 uses of up to 280 sqm that mostly sell essential goods, including food and are at least 1km from another similar shop will from 1 September 2020 be placed in their own use class F.2.

⁴ The converse is not necessarily true. A change of use between classes *may* constitute a material change of use and therefore development requiring planning permission. However, this is to be assessed on a case-by-case basis.

⁵ Including any combination of these uses.

⁶ Class ZA of Part 20 of Schedule 2 to the GDPO

- ii. where planning permission is still required, may affect the weight to be given to these policies (to reflect the general legislative objective of allowing greater flexibility in terms of certain changes of use⁷) and/or give rise to material considerations which have to be weighed against any breach of these policies (e.g. the likelihood and relative impact of new 'fallback' options for developers being implemented as an alternative to their pursuit of planning permission)

Use class order changes

3.3. There are several observations associated with the effect of changes to the UCO on the LPSS policy provisions in appendix 1:

- i. Many of the policy provisions under policies E1 - E9 are unaffected in their scope of application by the changes.
- ii. Whilst some policy provisions are weakened due to their narrower scope of application⁸, they remain relevant to applications for changes of use which require planning permission. In this regard, references to 'old' use class categories should be read in relation to the uses they describe⁹.
- iii. Generally, policy requirements in relation to marketing the current use (e.g. E5(5); E3(10); E3(12)); submission of (retail) impact assessments (e.g. E6(2); E7(2); E8(4); E9(7)); and sequential testing (e.g. E7(1); E8(3); E9(6)) will no longer be applicable for proposals for a change in use where no planning permission is required.
- iv. However, it is considered that the above policies (see iii) are broad enough to encompass applications for operational development which may facilitate a change of use. In the case of such planning applications i.e. where the change of use does not require planning permission, but planning permission is required for other reasons (e.g. because operational development is needed to facilitate the change of use) policy breaches will need to be considered on a case by case basis. This would include consideration of what weight can be given to the breach of the development plan as well as applicable changes to the UCO, and the potential for a 'fallback option' where the change of use could be implemented in any case without the operational development.
- v. It is possible that the provisions of the policies could be 'avoided' by sequential changes of use (e.g. a change from say a town centre shop, to office and then

⁷ Albeit it should not be assumed that the weight to be given to policies which restrict changes of use is *automatically* to be reduced as a result of the legislative changes. A case-specific approach will need to be taken, not least because, as the Explanatory Memorandum to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 makes clear, the underlying purpose of the amendments to the UCO was to stimulate the vitality of town centres, not to permit by a sidewind development which potentially could have a detrimental impact on that vitality

⁸ Changes of use within new use classes (e.g. shop to office within use class E) require neither planning permission nor prior approval as a result of this change. This change would not be considered development.

⁹ Whilst the Local Plan reflects use classes as per the 'old' use class order (e.g. A1, A2, A3), these are described in Appendix 2: Glossary of the Plan. References to use classes in the Plan (even though these no longer exist in the Use Class Order) retain their meaning as referenced in the list of uses as per the Plan's glossary

submission of an application from office to another use, which would not trigger Policy E7).

Permitted development changes

- 3.4. There are several points to note with regard to the introduction of new PD rights (Class AA, AB and ZA), which are detailed in appendix 1:
 - i. Most policy provisions under policies E1 - E9 are unaffected by the PD rights changes.
 - ii. There are limited instances under Policy E3, where certain policy provisions may be rendered obsolete. These include in relation to marketing requirements, which would now not be necessary to meet if prior approval under the new PD is obtained (see for example comments in appendix 1 referencing policy E3(10) and E3(12) and subject to the exceptions and conditions in the amended GDPO.

Appendix 1: Table reflecting on impacts of changes to the use classes order and permitted development rights on the Local Plan strategy and sites Economy (E) Policies.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
Economy: Employment (Policies E1 – E6)			
Relevant changes to legislation: <ul style="list-style-type: none"> • Introduction of new permitted development right (Class ZA) – From 31st August 2020 onwards • Merging of Use Classes A1, A2 and A3, B1(a), B1(b), B1(c) and some D1 and D2 uses into Use Class E – From 1st September 2020 onwards. 			
E1: Meeting employment and retail needs			
E1 (1)	<p>(1) In order to deliver 4,100 additional B class jobs²² to 2034, land has been allocated for a net gain of between 36,100 and 43,700 sq m of floorspace for office and research & development (B1a and B1b) and between 3.7 and 4.1 ha land for industrial (B1c, B2 and B8) uses. This will provide a range and choice of employment premises over the plan period and accommodate the predicted future growth in jobs required for the borough’s economy to develop and strengthen.</p> <p>[See table in Local Plan Policy E1 (1) setting out the above targets]</p>	Yes	This paragraph of the policy is unaffected by the change in legislation. Under the amendment regulations, use classes B1(a), B1(b) and B1(c) are to become part of class E. However, paragraph (1) refers to the uses for which the allocated land referred to is designated, i.e. office, research and development and industrial. The allocations will continue to be for these uses, regardless of the change to their use class.
E1 (2)	<p>(2) To meet the borough-wide need for retail and leisure uses, land has been allocated for an approximate net gain of floorspace as indicated in the table below:</p> <p>[See table in Local Plan Policy E1 (2) setting out the floorspace targets for comparison goods]</p>	Yes	This paragraph of the policy is unaffected by the change in legislation. Under the amendment regulations, retail uses (class A1) are to become part of Class E, whilst food and beverage uses are to be split into Class E (cafes and restaurants – previously class A3) and sui generis (pubs/drinking establishments and takeaways – previously class A4 and A5). However, this paragraph of the policy refers to the uses for which the allocated land to which it refers is designated, i.e.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	retail (A1), convenience goods retail (A1) and food and beverage (A3/A4/A5) uses]		comparison/convenience retail and food and beverage uses. The allocations will continue to be for these uses, regardless of the change to their use class.
E2: Location for new employment floorspace			
E2 (1)	The Plan aims to ensure sustainable employment development patterns, promote smart growth (see glossary) and business competitiveness, and allow flexibility to cater for the changing needs of the economy.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E2 (2)	The following will be supported: (a) the retention, creation and development of small local business by encouraging a range of types and sizes of new premises including incubator units, managed workspace and serviced office accommodation (b) the provision of essential ancillary employment facilities close to places of employment (c) rural economic development opportunities (d) proposals which come forward to redevelop outmoded employment floor space and cater for modern business needs.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E2 (3)	Proposals for new office and research & development (B1a and B1b) floorspace will be directed sequentially to Guildford town centre, and Office and Research & Development Strategic Employment Sites ²⁴ . Only if sites	Yes	This paragraph will continue to apply from 1 September 2020 with Use Classes B1a and B1b (which will become part of Use Class E) being interpreted to mean their respective uses, i.e. offices and research and development uses.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	cannot be found should edge of centre sites and locations within 500m of a public transport interchange be considered.		
E2 (4)	The sequential approach does not apply to proposed floorspace included in the site allocations in the Local Plan.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E2 (5)	The expansion of existing offices in locations outside the town centre and Strategic Employment Sites should be limited to 25% or less of the existing office and R&D floorspace.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E2 (6)	If the expansion of existing offices in locations outside the town centre and Strategic Employment Sites exceeds 25% of the existing office and R&D floorspace of the planning application site boundary on a site-by-site basis, it will need to be demonstrated that: (a) there are operational needs of business for on-site expansion, (b) there are no suitable sites available in the town centre and the Strategic Employment Sites, and (c) the site is accessible, or can be made accessible, by sustainable modes of transport.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E2 (7)	Proposals for new industrial, warehousing and storage (B1c, B2 and B8) floorspace will be directed to the Industrial Strategic Employment	Yes	This paragraph will continue to apply from 1 September 2020 with Use Classes B1c (which will become part of Use Class E) being interpreted to mean light industrial uses.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	Sites and any sites where this use class of floorspace is included in the site allocation in the Local Plan.		
E2 (8)	Proposals for the provision for small business units (less than 50 sq m), suitable for start-ups and SME will be encouraged.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E2 (9)	Proposals, particularly those of over 5,000 sq m, will be encouraged to provide childcare facilities on or close to the site.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3: Maintaining employment capacity and improving employment floorspace			
E3 (1)	The designated Strategic Employment Sites together make up the borough's current core supply of employment land	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3 (2)	The Office (B1a) and Research & Development (B1b) Strategic Employment Sites are: (a) Surrey Research Park (extended) (b) Guildford Business Park (c) 1000, 2000 and 3000 Cathedral Hill (d) London Square, Cross Lane (e) 57 and Liongate Ladymead (f) The Guildway, Portsmouth Road (g) The Pirbright Institute (h) Send Business Centre/Tannery Studios Tannery Lane, Send	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3 (3)	When developed, the new employment site at the north side of Gosden Hill Farm (site allocation A25) will be treated as an Office and Research & Development Strategic Employment Site.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.

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E3 (4)	<p>The Industrial (B1c, B2 and B8) Strategic Employment Sites are:</p> <ul style="list-style-type: none"> (a) Slyfield Industrial Estate (b) North and south of Lysons Avenue, Ash Vale (c) Riverway Industrial Estate, Astolat Business Park and Weyvern Park at Peasmarsh (d) Cathedral Hill Industrial Estate (e) Guildford Industrial Estate, Deacon Field (f) Woodbridge Meadows (g) Middleton Road Industrial Estate (h) Merrow Lane (incl Perram Works, Bridge Park, Merrow Business Centre, SCC depot) (i) Quadrum Park, Peasmarsh (j) Woodbridge Park, Woodbridge Road (k) Henley Business Park, Normandy 	Yes	This paragraph will continue to apply from 1 September 2020 with Use Classes B1c (which will become part of Use Class E) being interpreted to mean light industrial uses.
E3 (5)	When developed, the new employment land at Burnt Common (site allocation A45), together with the existing employment floorspace, will be treated as an Industrial Strategic Employment Site.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3 (6)	<p>The Locally Significant Employment Sites include all sites which meet the definition set out below and include:</p> <ul style="list-style-type: none"> (l) 31 Chertsey Street and 1-7 Stoke Road, Guildford (m) Andrew House, College Road, College House (89 and 91), Stoke House, Leapale House and Bell Court, Guildford (n) 65 Woodbridge Road, Guildford (o) Broadford Business Park, Shalford 	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	(p) The Pines Trading Estate, Broad Street (q) Grange Court, Tongham (r) The Courtyard, Wisley (s) Abbey Business Park, Eashing (t) Home Farm, Loseley Park		
E3 (7)	When developed, the new industrial employment land on the west side of the Former Wisley Airfield (site allocation A35), will be treated as a Locally Significant Employment Site.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3 (8)	The Strategic Employment Sites and the Locally Significant Employment Sites are shown on the borough Policies Map.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3 (9)	Strategic and Locally Significant Employment Sites will be protected for either B1a and B1b use or B1c, B2 and B8 use in line with their designation above.	Altered – see comments	<p>This paragraph will continue to apply from 1 September 2020 with Use Classes B1a, B1b and B1c (which will become part of Use Class E) being interpreted to mean their respective uses, i.e. offices, research and development and light industrial uses.</p> <p>The paragraph would not apply in respect of a proposed change of use of a B1a, B1b or B1c use where the proposal fulfils the requirements, exceptions and conditions of Classes ZA¹⁰, AA¹¹ and AB¹² of the GPDO, and where prior approval is obtained.</p>
E3 (10)	On Strategic and Locally Significant Employment Sites, employment floorspace will be	Altered – see comments	The new PD right Class ZA will render the marketing requirements of Policy E3 obsolete in the case of redevelopment of vacant B1(a), (b) and (c) buildings with a footprint of 1,000 sqm or less (but only if prior

¹⁰ Class ZA of Part 20 of Schedule 2 to the GDPO (Demolition of buildings and construction of new dwelling houses in their place)

¹¹ Class AA of Part 20 of Schedule 2 to the GDPO (new dwellings on detached buildings in commercial or mixed use)

¹² Class AB of Part 20 of Schedule 2 to the GDPO (new dwelling houses on terrace buildings in commercial or mixed use)

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	<p>protected and the loss strongly resisted. Redevelopment or change of use to a nonemployment use will only be acceptable if evidence is provided of active and comprehensive marketing of the site for its current use for a continuous period of at least:</p> <p>a) two years for a Strategic Employment Site; or b) 18 months for a Locally Significant Employment Site, prior to submission of a planning application.</p>		<p>approval is obtained and subject to the exceptions and conditions in the amended GDPO for Class ZA).</p> <p>Marketing requirements can continue to apply for occupied and/or larger buildings in either of the above use classes that have a footprint in excess of 1,000 sqm if the application is for redevelopment or a change of use (assuming the new use falls within a different use class).</p>
E3 (11)	<p>On Strategic and Locally Significant Employment Sites, the comprehensive and active marketing should also include consideration of alternative suitable B class employment use and other employment generating use, before change of use to residential or other use with no on-going employment use will be permitted.</p>	Yes	<p>This paragraph will continue to apply from 1 September 2020 with “B Class employment use” being interpreted to mean Use Classes B2 and B8, together with the former Classes B1a, B1b and B1c (which will become part of Use Class E), i.e. offices, research and development and light industrial uses.</p>
E3 (12)	<p>Outside the designated employment sites, employment floorspace will be protected in line with the latest needs assessment and the loss will be resisted unless the site is allocated for an alternative use within the Local Plan. Redevelopment or change of use to housing use will be acceptable if evidence is provided of active and comprehensive marketing of the site for its current use for a continuous period of at least 12 months prior to submission of a planning application. If the site is</p>	Altered – see comments	<p>The new PD right Class ZA will render the marketing requirements of Policy E3 obsolete in the case of redevelopment of vacant B1(a), (b) and (c) buildings of 1,000 sqm or less (but only if prior approval is obtained and subject to the exceptions and conditions in the amended GDPO for Class ZA).</p> <p>Marketing requirements can continue to apply for occupied and/or larger buildings in either of the above use classes that have a footprint in excess of 1,000 sqm if the application is for redevelopment or a change of use (assuming the new use falls within a different use class.)</p>

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	allocated for an alternative use within the Local Plan, the marketing period will not be required.		
E3 (13)	The redevelopment of outmoded employment floorspace will be permitted to cater for modern business needs. The provision of improved ICT infrastructure will be encouraged in refurbished and redeveloped sites.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E3 (14)	Redevelopment or change of use to a non-employment use will only be acceptable where the land or premises are unsuitably located in terms of its impact on the environment, levels of traffic movement, its accessibility to public transport and its link with the infrastructure, and its impact on the amenity of the area or adjoining occupiers.	Altered – see comments	<p>This paragraph of the policy will remain unaffected by the changes to the Use Classes Order in cases where a proposed redevelopment or change of use requires planning permission. “Non employment use” in this context may be taken to refer to a use that is not an office, research and development or light industrial use.</p> <p>Paragraph (14) would not apply in respect of a proposed redevelopment of a B1a, B1b or B1c use where the proposal fulfils the requirements, exceptions and conditions of either of Classes ZA, AA and AB of the GPDO, and where prior approval is obtained for the relevant class of permitted development.</p>
E3 (15)	The provision of ancillary uses on a Strategic or Locally Significant Employment Site that complement and positively enhance the functioning of the employment area will be supported.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E4: Surrey Research Park			
E4 (1)	The existing 28 hectare Surrey Research Park shown on the Policies Map and the proposed extension described in policy A26, will be protected for business use	Yes	This paragraph will continue to apply from 1 September 2020 with Use Classes B1a, B1b and B1c (which will become part of Use Class E) being interpreted to mean their respective uses, i.e. office, research and development and light industrial.

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	comprising offices, research, development, design and innovation activities, falling within Use Classes B1 (a), (b) and (c) of the Town and Country Planning (use Classes) Order 1987 (as amended). Development for general office use B1(a) that does not contribute to the specific function of the Research Park will not be supported.		
E4 (2)	It is expected that the new extension will provide a variety of sizes of unit including some small units (between 15 – 80 sq m) in order to meet the needs of start-up companies.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E4 (3)	Where any proposals for development are submitted which do not meet the criteria set out above, the onus will be on the applicant to demonstrate: (a) the need for such proposals in this location (b) the economic benefits to the local and wider economy (c) the proposed use would complement the overall functioning of the Research Park.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E4 (4)	Proposals should be well designed and landscaped to complement and enhance the existing Research Park setting.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E5: Rural economy			
E5 (1)	In order to support economic growth in rural areas, which will create jobs and prosperity, a positive approach to sustainable new development will be taken in	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.

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	<p>Guildford borough. To promote a strong rural economy:</p> <p>(a) the sustainable growth and expansion of all types of business and enterprise in rural areas will be supported, through conversion of existing buildings and provision of well-designed new buildings of appropriate scale, provided they are in accordance with green belt policy and other policies in the plan</p> <p>(b) the development and diversification of agricultural and other land-based rural businesses will be supported, and</p> <p>(c) the retention and development of accessible local services and community facilities in the inset and identified villages, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship, which respect the character of the countryside, will be supported.</p>		
E5 (2)	<p>The Council will work with our partners at Surrey County Council and the Enterprise M3 LEP to support and improve the provision of internet services where needed in rural areas and enhance digital inclusion in such areas. This will help to retain and promote services and types of business, including traditional agriculture, and help to create more sustainable villages. The Council will also work with partners to support</p>	Yes	<p>This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.</p>

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	the provision of small-scale business incubation centres in rural areas.		
E5 (3)	Agricultural land will be protected as set out in national policy and the economic and other benefits of the best and most versatile agricultural land will be taken into account.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E5 (4)	To support the rural economy, national policy is more flexible, allowing small-scale development for main town centre uses (see glossary) without applying the sequential approach. The sequential approach will not be applied to applications for small scale rural offices or other small scale rural development.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E5 (5)	Proposals that would result in the loss of shops and services that provide for everyday needs (within Use Class A1) located in rural areas but outside of Local and District Centres, will only be acceptable if evidence is provided of active and comprehensive marketing of the site for its current use for a minimum of 12 months prior to submission of a planning application.	Altered (where the proposed change requires planning permission)	<p>This paragraph will continue to apply in most cases from 1 September 2020 with “Use Class A1” being interpreted to mean “shop”. The term ‘Shop’ will also apply within Use Class F.2, i.e. is not more than 280 sqm and mostly sells essential goods, including food and is at least 1km from another shop.</p> <p>The policy will be applicable only where a proposed replacement to a shop does not fall into the same use class (Class E for most shops from 1 September 2020) as such a change would not be considered to be development. From 1 September 2020 it will therefore not be possible to require marketing for a change of use of a shop to a café, restaurant or office.</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons (e.g. because of operational development is needed to facilitate the change of use), the</p>

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			<p>application of paragraph (5) , and the weight to be given to any breach, will need to be considered on a case by case basis. For instance, should the proposal include a conversion of a shop to a restaurant (which by itself will not require permission) necessitate an increase in the footprint of the existing building allowing for a larger restaurant use (which does require planning permission), then it may be appropriate to give significant weight to any breach of paragraph (5). However, other triggers for an application for planning permission such as changes to a building’s exterior (which does not involve any increase in the building’s footprint) may not justify a refusal on the basis that the requirements of paragraph (5) have not been met.</p>
E6: The leisure and visitor experience			
E6 (1)	<p>We will continue to develop a high quality visitor experience to increase the contribution that tourism, arts, cultural heritage and sport make to our quality of life and social and cultural well-being. To achieve this we will support:</p> <p>(a) the provision of new and enhanced leisure and visitor attractions, including arts and cultural facilities, in accordance with the sequential test outlined in the NPPF for main town centre uses</p> <p>(b) the provision of new and improved accommodation and conference facilities for tourist and business visitors in accordance with the sequential test</p> <p>(c) sustainable rural tourism and leisure developments that benefit businesses,</p>	Yes	<p>This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.</p>

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	<p>communities and visitors in rural areas as long as they respect the size, character and function of their setting and comply with national green belt policy. This support extends to the re-use of suitable rural buildings for visitor accommodation and other small-scale rural development proposing less than 100 sq m of additional floorspace (d) proposals which promote greater use of the River Wey as a leisure and recreational resource without harming local biodiversity or water quality.</p>		
E6 (2)	<p>To protect the vitality and viability of our town, district and local centres, proposals for new leisure space which exceed 500 sq m and are located outside these areas, as designated on the Policies Map, will be required to submit an impact assessment. All new and enhanced leisure and visitor attractions and facilities will be required to preserve the borough's special heritage and natural features.</p>	Yes	<p>This paragraph of the policy will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There would be no requirement for an impact assessment of a proposal for change in use where no planning permission is required. For example, a proposed conversion of office space to leisure use would not need planning permission in relation to this change of use, as it would remain in the same use class, despite it potentially being a leisure proposal of over 500sq m (gross).</p> <p>There would be a requirement for an impact assessment of a proposal involving a change of use to leisure uses which requires planning permission. For example:</p> <ul style="list-style-type: none"> (a) A new leisure development above 500 sqm on a greenfield site; (b) Extension of existing leisure floorspace; (c) Change of use from a non-leisure to a leisure use, where the proposed use exceeds 500sqm, and the existing and proposed uses fall

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			<p>within different use classes. An example is a proposed change of use from a hotel to a gym.</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons (e.g. because of operational development is needed to facilitate the change of use), the application of paragraph (2) , and the weight to be given to any breach, will need to be considered on a case by case basis. For instance, should the proposal include a conversion of office space to a leisure use outside Guildford town centre (which by itself will not require permission) necessitate an increase in the footprint of the existing building allowing for a larger leisure use (which does require planning permission), then it may be appropriate to give significant weight to any breach of paragraph (2). However, other triggers for an application for planning permission such as changes to a building's exterior may not justify a refusal on the basis that the requirements of paragraph (2) have not been met.</p>
E6 (3)	<p>The loss of existing visitor, leisure and cultural attractions, including arts and entertainment facilities, hotels and indoor sports venues, will be strongly resisted unless replacement facilities of an equivalent or better standard and provision are proposed in a location equally accessible to the facility's current catchment area.</p> <p>Alternatively, robust evidence must be provided that demonstrates that the facility causes significant detriment to the amenity of the locality or that:</p>	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	<p>(a) there is no longer a need for the existing facility or an alternative leisure or visitor use; and</p> <p>(b) the existing use is unviable and its retention has been fully explored (including active and comprehensive marketing the facility for its existing and alternative leisure or visitor use for a continued period of at least 18 months prior to submission of a planning application).</p>		
Economy: Retail (Policies E7 – E9)			
Relevant changes to legislation: <ul style="list-style-type: none"> • Introduction of new permitted development right (Class ZA) – From 31st August 2020 onwards • Merging of Use Classes A1, A2 and A3, B1(a), B1(b), B1(c) and some D1 and D2 uses into Use Class E – From 1st September 2020 onwards. 			
E7: Retail and leisure uses in Guildford Town Centre			
E7 (1)	<p>In order to strengthen the liveliness and economic resilience of Guildford town centre, new retail and leisure uses located within the centre will be supported.</p> <p>Where no suitable sites are available within the centre, sites on the edge of the centre will be considered.</p>	Altered – see comments	<p>This paragraph of the policy will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There would be no requirement to undertake sequential testing of a proposal for change in use where no planning permission is required. For example a new retail use outside Guildford town centre, proposed as a conversion of existing office space would not need planning permission in relation to this change of use, as it would remain in the E use class.</p> <p>There would be a requirement to undertake sequential testing of a proposal outside of Guildford town centre involving a change of use to a retail or leisure use that requires planning permission (i.e. because the existing use of the building or land in question does not fall within</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>the same use class). For example a new retail use (Class E) outside Guildford town centre, proposed as a conversion of existing storage or distribution uses.</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons (e.g. because operational development is needed to facilitate the change of use) the application of paragraph (1), and the weight to be given to any breach, will need to be considered on a case by case basis. For instance, should a proposal include a conversion of office space to a retail use outside Guildford town centre (which does not require planning permission) necessitate an increase in the footprint of the existing building allowing for a larger retail use (which does require planning permission), then it may be appropriate to give significant weight to any breach of the sequential test. Other triggers for an application for planning permission to support change of use to retail or leisure, such as changes to a building's exterior (which does not involve any increase in the building's footprint), may not justify a refusal on the basis that the sequential test has not been met.</p>
E7 (2)	Retail and leisure proposals over 500 sq m (gross) located outside of Guildford town centre, local or district centres, and where the site is not allocated in this Plan, must be supported by a retail impact assessment.	Altered – see comments	<p>This paragraph of the policy will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There would be no requirement for a retail impact assessment of a proposal for change in use where no planning permission is required. For example, a proposed conversion of office space to a retail use or gymnasium would not need planning permission in relation to this change of use, as it would remain in the E use class, despite it potentially being a retail or leisure proposal of over 500sq m (gross).</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>There would be a requirement for a retail impact assessment of a proposal involving a change of use to retail or leisure uses which requires planning permission. For example, a new retail or leisure development above 500 sqm on a greenfield site, extension of existing retail or leisure floorspace, or a change of use from a non-retail or non-leisure use to a retail or leisure use, where the proposed use exceeds 500 sqm, and the existing and proposed uses fall within different use classes (for example a proposed change of use from a hotel to a gym).</p> <p>In cases where planning permission is required for other reasons, the application of paragraph (2) will need to be considered on a case by case basis. For instance, should a proposal include a conversion of office space to retail use outside Guildford town centre (which by itself does not require permission) necessitate an increase in the footprint of the existing building (which does require planning permission), then it may be appropriate to give significant weight to paragraph (2) should the proposal trigger the size threshold. However, other triggers for an application for planning permission to support change of use to retail or leisure, such as changes to a building's exterior (which does not involve any increase in the building's footprint) may not justify a refusal on the basis that the requirements of paragraph (2) have not been met.</p>
E7 (3)	Within the Primary Shopping Frontage as defined on the Policies Map, proposals for change of use of existing ground floor shops (Class A1) to other uses will not be permitted.	Altered – see comments	<p>The paragraph will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There would be no protection of existing ground floor shops* in these locations for change in use where no planning permission is required.</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>For example, a change of use from a shop to another use that falls within Class E such as an office (previous use class B1a) or a café or restaurant (previous use class A3), would not need planning permission in relation to this change of use, as it would remain the E use class.</p> <p>There would however be protection of existing shops in these locations where proposals involved a change in use which requires planning permission. For example, a proposed change of use of a shop to any use that falls outside of the new Class E, for example a pub or a hot food takeaway, both of which are sui generis.</p> <p>*note the policy reference to Class A1 remains relevant insofar as it is referenced and described in the Local Plan strategy and sites Appendix 2: Glossary of the Local Plan strategy and sites.</p>
E7 (4)	<p>Within the Secondary Shopping Frontage defined on the Policies Map, planning permission for the change of use of ground floor shops (Class A1) to Class A3, A4 or A5 will be permitted where all the following criteria are met:</p>	Altered – see comments	<p>The paragraph (and the criteria a – d) will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There will be no protection of ground floor shops in these locations for change in use where no planning permission is required. For example, a change of use from a shop to another use that falls within Class E (in this case a café and restaurant / Class A3* use) would not need planning permission in relation to this change of use, as it would remain in the E use class.</p> <p>There would however be protection of existing shops in these locations where proposals involve a change in use which requires planning permission. For example, a proposed change of use of a shop to any use that falls outside of the new Class E, for example a pub</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>(referenced as A4* use in the policy) or a hot food takeaway (referenced as A5* use in the policy), both of which are sui generis.</p> <p>* note the policy references to Class A1/A3/A4/A5 remain relevant insofar as they are referenced and described in the Local Plan strategy and sites Appendix 2: Glossary of the Local Plan strategy and sites. So, A4 reference remains taken to mean 'drinking establishments: Use as a public house, wine bar or other drinking establishment.'</p>
	<p>(a) The additional uses result in no more than two permitted ground floor non-retail uses adjacent to each other; and</p>	<p>Altered - see comments</p>	<p>See E7(4) comment.</p> <p>However, it is considered that it is necessary to give weight in decision making on planning applications to the fact that planning permission would not be required to change adjacent uses to certain non-retail uses (within class E). The weight given to this criterion is therefore likely to be reduced.</p> <p>Note: 'permitted ground floor non-retail uses' retains its meaning as reference to A1 Shop as per Appendix 2: Glossary of the Local Plan strategy and sites.</p>
	<p>(b) The additional use results in no more than one third of this section of the defined street level frontage (as defined in Appendix 5) in permitted non-A1 Use Class;</p>	<p>Altered – see comments</p>	<p>See E7(4) comment.</p> <p>However, it is considered that it is necessary to give weight in decision making on planning applications to the fact that planning permission would not be required to change sections of the defined street level frontage to certain non-retail uses (within class E). The weight given to this criterion is therefore likely to be reduced.</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			Note: 'permitted ground floor non-A1 Use Class' retains its meaning as reference to non-A1 Shops as per Appendix 2: Glossary of the Local Plan strategy and sites.
	(c) The use will not result in loss of amenity in terms of noise, disturbance, smell, litter or traffic generation;	Altered – see comments	See E7(4) comment. Part (c) may continue to be applied from 1 September 2020, except where the proposed replacement use is a café or restaurant (previous class A3) as these will fall into the same use class as a shop (Class E) and such a change would not be considered development. Planning permission will continue to be required to move from a shop (previously A1) to either a pub (previously A4) or a hot food takeaway (previously A5), and part (c) will remain applicable for these changes of use.
	(d) The proposed use will not be detrimental to the shopping function or character of the town centre.	Altered – see comments	See E7(4) comment. Part (d) may continue to be applied from 1 September 2020, except where the proposed replacement use is a café or restaurant (previous class A3) as these will fall into the same use class as a shop (Class E) and such a change would not be considered development. See comments above under part (c) which also apply to part (d).
E7 (5)	Within the Primary Shopping Area, exceptionally the loss of shopping area uses (Class A) at ground floor level will be permitted, subject to the above criteria, where the proposed use is appropriate to a town centre shopping frontage.	Altered – see comments	The paragraph will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission. This policy would however be triggered by a change in use which requires planning permission. For example, a proposed change of use

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>of a shop to any use that falls outside of the new Class E, for example a pub or a hot food takeaway, both of which are sui generis and could be justified using this policy.</p> <p>*note the policy reference to Class A uses remains relevant insofar as it is referenced and described in the Local Plan strategy and sites Appendix 2: Glossary of the Local Plan strategy and sites.</p>
E8: District centres			
E8 (1)	The role of District Centres as the focus for communities in the surrounding areas in providing for everyday shopping and service needs as well as for some more specialist needs will be supported. Proposals for residential use of upper floors add to the liveliness of centres and will be considered positively.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E8 (2)	The following areas, as shown on the Policies Map, are designated as District Centres. For each, the boundary of the Primary Shopping Area is the same as the boundary of that Centre: (a) Wharf Road, Ash (b) Station Parade, East Horsley (c) Ripley.	Yes	This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E8 (3)	In order to strengthen the liveliness and economic resilience of the borough's District Centres, retail and other main town centre use development located within the centre and consistent with the scale and function of that centre will be supported. Where no	Altered – see comments	The first part of this paragraph of the policy – i.e. the sequential test requirement for main town centre uses – will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	<p>suitable sites are available within the centre, sites on the edge of designated centres will be considered. We will not apply this sequential approach to proposals for town centre uses of less than 100 sq m (gross) in rural areas.</p>		<p>There would be a continued requirement (as per NPPF paragraph 87) to undertake sequential testing of a proposal outside of any designated centre involving a change of use to a main town centre use which requires planning permission (i.e. because the existing use of the building or land in question does not fall within the same use class). For example, a new retail use (Class E) proposed as a conversion of an existing storage or distribution use.</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons, the application of paragraph (3) , and the weight to be given to any breach, will need to be considered on a case by case basis. For instance, should a proposal include a conversion of office space to a retail use outside the centre (which by itself does not require planning permission) necessitate an increase in the footprint of the existing building allowing for a larger retail use (which does require planning permission), then it may be appropriate to give significant weight to any breach of paragraph (3). However, other triggers for an application for planning permission to support change of use to a main town centre use, such as changes to a building’s exterior (which does not involve any increase in the building’s footprint) may not justify a refusal on the basis that the sequential test in paragraph (3) has not been met.</p>
E8 (4)	<p>Retail and leisure proposals over 500 sq m (gross) located outside of a district centre, local centre, or Guildford Town Centre, and where the site is not allocated in the Local Plan must be supported by a retail impact assessment.</p>	Altered – see comments	<p>There would be no requirement for an impact assessment of a proposal for change in use where no planning permission is required. For example, a proposed conversion of office space to a retail use or gymnasium would not need planning permission in relation to this change of use, as the building would remain in the E use class, despite it potentially being a retail or leisure proposal of over 500sq m (gross).</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>There would be a requirement for an impact assessment of a proposal involving a change of use to a retail or leisure use that requires planning permission. For example, a new retail or leisure development above 500 sqm on a greenfield site, extension of existing retail or leisure floorspace, or a change of use from a non-retail or non-leisure use to a retail or leisure use, where the proposed use exceeds 500 sqm, and the existing and proposed uses fall within different use classes (for example a proposed change of use from a hotel to a gym).</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons, the application of paragraph (4) , and the weight to be given to any breach, will need to be considered on a case by case basis. For instance, should the proposal include a conversion of office space to a retail use outside the centre (which by itself does not require permission) necessitate an increase in the footprint of the existing building (which does require planning permission), then it may be appropriate to give significant weight to any breach of paragraph (4) should the proposal trigger the size threshold. However, other triggers for an application for planning permission to support change of use to retail or leisure, such as changes to a building’s exterior (which does not involve any increase in the building’s footprint), may not justify a refusal on the basis that the requirements of paragraph (4) have not been met.</p>
E8 (5)	Within the District Centres shown on the Policies Map, planning permission for the change of use of an A1 retail use at ground floor to another A Class use will be permitted where all of the following criteria are met:	Altered – see comments	The paragraph (and the criteria a – d) will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission .

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			<p>There will be no protection of ground floor shops/retail uses in these locations for change in use where no planning permission is required. For example, a change of use from a shop to another use that falls within Class E (in this case a café and restaurant / Class A3* use) would not need planning permission in relation to this change of use, as it would remain in the E use class.</p> <p>There would however be protection of existing shops in these locations where proposals involve a change in use which requires planning permission. For example, a proposed change of use of a shop to any use that falls outside of the new Class E, for example a pub (previous use class A4*) or a hot food takeaway (previous use class A5*, both of which are to become sui generis).</p> <p>* note the policy references to Class A uses remain relevant insofar as they are referenced and described in the Local Plan strategy and sites Appendix 2: Glossary of the Local Plan strategy and sites.</p>
	(a) The proposal results in no more than two non-A1 retail uses adjacent to each other	Altered – see comments	<p>See E8 (5) comment.</p> <p>However, it is considered that it is necessary to give weight in decision making on planning applications to the fact that planning permission would not be required to change adjacent uses to certain non-retail uses (within class E). The weight given to this criterion is therefore likely to be reduced.</p> <p>Note: ‘non-A1 retail uses’ retains its meaning as reference to A1 Shops as per Appendix 2: Glossary of the Local Plan strategy and sites.</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	(b) The proposal results in no more than one third of defined ground floor frontage units in permitted non-A1 retail uses;	Altered – see comments	<p>See E8 (5) comment.</p> <p>However, it is considered that it is necessary to give weight in decision making on planning applications to the fact that planning permission would not be required to change adjacent uses to certain non-retail uses (within class E). The weight given to this criterion is therefore likely to be reduced.</p> <p>Note: 'Permitted non-A1 retail uses retains its meaning as reference to A1 Shops as per Appendix 2: Glossary of the Local Plan strategy and sites.</p>
	(c) The use will not result in loss of amenity in terms of noise, disturbance, smell, litter or traffic generation;	Altered – see comments	<p>Part (c) may continue to be applied from 1 September 2020, except where the proposed replacement use is a café or restaurant (previous class A3) as these will fall into the same use class as a shop (Class E) and such a change would not be considered development. Planning permission will continue to be required to move from a shop (previously A1) to either a pub (previously A4) or a hot food takeaway (previously A5), and part (c) will remain applicable for these changes of use.</p>
	(d) The proposed use will not be detrimental to the shopping function or character of the town centre.	Altered – see comments	<p>Part (d) may continue to be applied from 1 September 2020, except where the proposed replacement use is a café or restaurant (previous class A3) as these will fall into the same use class as a shop (Class E) and such a change would not be considered development. See comments above under part (c) which also apply to part (d).</p>
E8 (6)	Exceptionally, a proposed change of use of an A1 retail unit at ground floor level to a non-A class use will be permitted, subject to the above	Altered – see comments	<p>The reference to a 'suitable ground floor main town centre use' is to the NPPF glossary of main town centre uses. Some of these are outside of use class A and use class E so in these cases an application for a</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	criteria, where the proposed use is a suitable ground floor main town centre use and requires a shopfront.		change of use would trigger this policy (e.g. change of use from or to a pub can be justified by this policy. Or from an A use to some F1 uses)
E8 (7)	Proposals for change of use from non-retail Class A uses (A2, A3, A4 and A5) at ground floor level to a suitable ground floor main town centre use will be permitted subject to meeting both of criteria (5) (c) and (d) above.	Yes	This paragraph will continue to apply from 1 September 2020 but the use classes referred to in this paragraph of the policy should be read as the actual uses to which they relate, i.e. financial and professional services, cafes and restaurants, pubs and hot food takeaways (as detailed in Appendix 2: Glossary of the Local Plan: strategy and sites).
E8 (8)	Residential (Class C) uses and offices within the B1 Use Class are not considered to be suitable main town centre uses for the ground floor level of a District Centre.	Altered – see comments	Shops (previous use class A1) will fall in the same use class as offices (previous use class B1a) from 1 September 2020 so a change of use from a shop to an office would not be considered development. Residential uses will remain in Class C from this date and therefore this paragraph may continue to be applied in relation to any proposed residential uses.
E9: Local centres and isolated retail units			
E9 (1)	The role of Local Centres will be supported as the focus for local communities in providing for their everyday shopping and service needs. Proposals for residential use of upper floors add to the liveliness of centres, and will be considered positively.		This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E9 (2)	The following areas, as shown on the Policies Map, are designated as Local Centres. For each, the boundary of the Primary Shopping Area is the same as the boundary of that Centre.		This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
E9 (3)	<p>The 14 urban Local Centres are:</p> <ul style="list-style-type: none"> (a) Aldershot Road, Westborough (b) Collingwood Crescent, Boxgrove (c) Kingpost Parade, London Road, Burpham (d) Epsom Road, Merrow (e) Kingfisher Drive, Merrow (f) Madrid Road, Guildford Park (g) Southway, Park Barn (h) Stoughton Road, Bellfields (i) The Square, Onslow Village (j) Woodbridge Hill, Guildford (k) Woodbridge Road, Guildford (l) Worplesdon Road, Stoughton (m) Ash Vale Parade, Ash (n) The Street, Tongham. 		This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E9 (4)	<p>The seven rural Local Centres are:</p> <ul style="list-style-type: none"> (a) Bishopsmead Parade, East Horsley (b) Effingham (c) Fairlands (d) Jacobs Well (e) Send (f) Shalford (g) Shere. 		This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.
E9 (5)	<p>When developed, the new local centres that are planned to be built at the strategic sites of:</p> <ul style="list-style-type: none"> (a) Gosden Hill (site allocation A25); (b) Blackwell Farm (site allocation A26); and (c) the former Wisley Airfield (site allocation A35) 		This paragraph of the policy will remain unaffected by the changes to the Use Classes Order.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	will be treated as Local Centres within the context of this plan, and their location and boundaries designated in the next Local Plan review.		
E9 (6)	In order to strengthen the liveliness and economic resilience of the borough's local centres, proposals for retail and other main town centre uses consistent with the scale and function of that centre will be supported. We will not apply this sequential approach to small-scale development proposals for main town centre uses in rural areas.	Altered – see comments	<p>The first part of this paragraph of the policy – i.e. the sequential test requirement for main town centre uses – will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There would be a continued requirement (as per NPPF paragraph 87) to undertake sequential testing of a proposal outside of any designated centre involving a change of use to a main town centre use which requires planning permission (i.e because the existing use of the building or land in question does not fall within the E use class). For example, a new retail use proposed as a conversion of an existing storage or distribution use.</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons, the application of paragraph (6) , and the weight to be given to any breach, will need to be considered on a case by case basis. For instance, should a proposal include a conversion of office space to a retail use outside the centre (which by itself does not require planning permission) necessitate an increase in the footprint of the existing building allowing for a larger retail use (which does require planning permission) then it may be appropriate to give significant weight to any breach of the sequential test required by paragraph (6). However, other triggers for an application for planning permission to support change of use to a main town centre use, such as changes to a building's exterior (which does not involve any increase in the building's footprint) may not</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			justify a refusal on the basis that the sequential test in paragraph (6) has not been met.
E9 (7)	Retail and leisure proposals over 500 sq m (gross) which are not located in a local centre, district centre or Guildford town centre, and where the site is not allocated for the proposed use must be supported by a retail impact assessment.	Altered – see comments	<p>There would be no requirement for an impact assessment of a proposal for change in use where no planning permission is required. For example, a proposed conversion of office space to a retail or leisure use would not need planning permission in relation to this change of use, as it would remain in the E use class, despite it potentially being a retail or leisure proposal of over 500sq m (gross).</p> <p>There would be a requirement for an impact assessment of a proposal involving a change of use to retail or leisure uses which requires planning permission. For example, a new retail or leisure development above 500 sqm on a greenfield site, extension of existing retail or leisure floorspace, or a change of use from a non-retail or non-leisure use to a retail or leisure use, where the proposed use exceeds 500 sqm, and the existing and proposed uses fall within different use classes (for example a proposed change of use from a hotel to a gym).</p> <p>In cases where the change of use does not require planning permission, but planning permission is required for other reasons (e.g. because operational development is needed to facilitate the change of use), the application of paragraph (7) , and the weight to be given to any breach will need to be considered on a case by case basis. For instance, should the proposal include a conversion of office space to retail use outside the centre (which by itself will not require permission) necessitate an increase in the footprint of the existing building (which does require planning permission), then it may be appropriate to give significant weight to any breach of paragraph (7) should the proposal trigger the size threshold. However, other triggers for an application</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
			for planning permission to support change of use to retail or leisure such as changes to a building's exterior (which does not involve any increase in the building's footprint) may not justify a refusal on the basis that the requirements of paragraph (7) have not been met.
E9 (8)	Within the Local Centres shown on the Policies Map, planning permission for the change of use of an A1 retail use at ground floor to another A Class use will be permitted where all of the following criteria are met:	Altered – see comments	<p>The paragraph (and the criteria a – c) will continue to apply except in cases where the proposal is for a change of use that (now) does not require planning permission.</p> <p>There will be no protection of ground floor shops/retail uses in these locations for change in use where no planning permission is required. For example, a change of use from a shop to another use that falls within Class E (in this case a café and restaurant / Class A3* use) would not need planning permission in relation to this change of use, as it would remain in the E use class.</p> <p>There would however be protection of existing shops in these locations where proposals involve a change in use which requires planning permission. For example, a proposed change of use of a shop to any use that falls outside of the new Class E, for example a pub (previous use class A4*) or a hot food takeaway (previous use class A5*, both of which are to become sui generis.</p> <p>* note the policy references to Class A uses remain relevant insofar as they are referenced and described in the Local Plan strategy and sites Appendix 2: Glossary of the Local Plan strategy and sites.</p>
	(a) The proposal will not result in a concentration of such uses that would	Altered – see comments	See E9 (8) comment.

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
	be harmful to the local centre's vitality and viability		
	(b) The proposal will not result in loss of amenity in terms of noise, disturbance, smell, litter or traffic generation	Altered – see comments	See E9 (8) comment.
	(c) The proposal will not prejudice the character and appearance of the local centre and its immediate environment.	Altered – see comments	See E9 (8) comment.
E9 (9)	Exceptionally, a proposed change of use of an A1 retail unit at ground floor level to a non-A use will be permitted, subject to criteria 8 (a) – (c), where the proposed use is a suitable ground floor main town centre use and requires a shopfront.	Altered – see comments	The reference to a 'suitable ground floor main town centre use' is to the NPPF glossary of main town centre uses. Some of these are outside of use class A and use class E so in these cases an application for a change of use would trigger this policy (e.g. change of use from or to a pub can be justified by this policy. Or from an A use to some F1 uses)
E9 (10)	<p>The loss of either</p> <ul style="list-style-type: none"> (a) A shop or service unit (within Use Class A1) within a local centre that provides for everyday needs, or (b) An isolated Use Class A1 retail unit that provides for everyday needs <p>will only be acceptable if evidence is provided of active and comprehensive marketing of the site for its current use for a minimum of 12 months prior to submission of a planning application.</p>	Altered – see comments	<p>This entire paragraph will continue to apply in most cases from 1 September 2020 with "Use Class A1" being interpreted to mean "shop" (as per Appendix 2: Glossary of the Local Plan: strategy and sites). The term 'Shop' will also apply within Use Class F.2, i.e. is not more than 280 sqm and mostly sells essential goods, including food and is at least 1km from another shop.</p> <p>It will be implementable only where a proposed replacement to a shop does not fall into the same use class (Class E from 1 September 2020) as such a change would not be considered development. From 1 September 2020 it will therefore not be possible to require marketing for a change of use of a shop to a café, restaurant or office.</p>

LPSS Policy and paragraph	Paragraph wording	Can continue to be applied? (Yes/No/Altered)	Comments
E9 (11)	Proposals for change of use from non-retail Class A uses (A2, A3, A4 and A5) at ground floor level to a suitable ground floor main town centre use will be permitted subject to meeting both of criteria (8) (b) and (c) above.	Yes	This paragraph will continue to apply from 1 September 2020 but the use classes referred to in this paragraph of the policy should be read as the actual uses to which they relate, i.e. financial and professional services, cafes and restaurants, pubs and hot food takeaways (as detailed in Appendix 2: Glossary of the Local Plan: strategy and sites).
E9 (12)	Residential (Class C) uses and offices within the B1 Use Class are not considered to be suitable main town centre uses for the ground floor level of a Local Centre.	Altered – see comments	Shops (previous use class A1) will fall in the same use class as offices (previous use class B1a) from 1 September 2020 so a change of use from a shop to an office would not be considered development. Residential uses will remain in Class C from this date and therefore this paragraph may continue to be applied in relation to any proposed residential uses.