

## Annex 2 Literature review

### Policy and issue identification

#### Introduction

This document provides the full report of the literature review introduced in the report at section 5. Included in the Annex as well as the findings of the review are a list of material examined and a table which reports the examination of relevant case law.

The review is divided between the situation reported in England and Wales, and in Scotland, and between the different parts of the Orders

#### England and Wales

##### Class A

##### Class A (3) Food and Drink

From our research it is clear that this use class has been the subject of by far the most complaints and controversy. There are definitely concerns over lack of control of changes of use between restaurants, hot food takeaways and public houses. These are discussed in turn below.

##### Pubs to Fast food Outlets

A major issue concerning the Use Classes Order appears to be the conversion of public houses into fast food restaurants under the A3 class. Under the current law, pubs and restaurants come under the same classification. The fast food chain McDonalds has particularly come under increased scrutiny for doing this, particularly with the controversial development in Hinchley Wood. The subject of McDonalds buying former pubs has been debated in Parliament<sup>1</sup>, and has provoked many letters of complaints from members of the public to the Department for Transport, Local Government & the Regions.

As part of this study we examined the extent of this problem by contacting some of the major fast food outlets in England and Wales. We discovered that 33 of McDonalds' 1020 restaurants were former public houses<sup>2</sup>. In June 1999 McDonalds only had 25 former pubs in its estate<sup>3</sup>, so the situation appears to be escalating slowly. McDonalds have commented that these premises, which they have bought, have usually been ones that the brewers are failing to invest in<sup>4</sup>.

Clearly this use class (A3) will continue to require further examination, particularly as many of the major UK brewing networks are being forced under competition laws to sell off their pubs. Scottish and Newcastle Breweries are currently selling off over 1000 pubs (partly to bring its tied estate below the maximum level allowed)<sup>5</sup>. Other fast food organisations such as Burger King have also

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<sup>1</sup> House of Commons (1<sup>st</sup> December 1999) Gareth Thomas MP & Beverly Hughes MP; Hansard Column 405-412.

<sup>2</sup> Personal communication – Peter Richards, Chief Development Officer, McDonalds, 7<sup>th</sup> April 2000.

<sup>3</sup> Bruning, T (1999) Anger over Big Mac's pub push, What's Brewing, June issue.

<sup>4</sup> Op cit note 2

<sup>5</sup> <http://www.ukbusinesspark.co.uk/sce09618.htm>

commented that although it was not their current policy to buy former pubs, they would not rule out expanding their property chain to include former pubs in the future<sup>6</sup>.

Of particular concern is the fact that the movement between restaurants and pubs under this class takes no account of amenity of the area e.g. bars next to churches, fast food restaurants appearing within close proximity to schools, and the village pub becoming a fast food restaurant. The LPAC report in 1998 reported the problems that had occurred under this class concerning the considerable changes in character and the effect this has on the local impact of areas as there is no current need for planning consent<sup>7</sup>. A separate use class for pubs has long been an idea which organisations such as CAMRA have supported<sup>8</sup>. The dissatisfaction with this class will be discussed further in the following sections.

### A3 – Super Pubs and Theme Pubs

On a similar theme there has also been a great deal of debate about the rise of super pubs and theme bars. These have given rise to concerns regarding parking, noise and public order. Bodies such as LPAC have called for a new policy approach<sup>9</sup>. This area of the use classes has attracted a lot of criticism from many different sources including the Local Government Association, and MPs in Parliament<sup>10</sup>. However, it is extremely difficult to define what actually is a super pub or theme bar. By our definition a super pub is usually a lot larger than an average public house. Many super pubs have taken over former sites such as supermarkets and large shops and this requires planning permission so it seems that local policy may be at fault rather than national policy. The concept of a super pub may have to be reviewed, particularly with the new liquor de-licensing proposals<sup>11</sup>. The distinction between a nightclub (falling under class D2) and a super pub may be extremely blurred in the future.

It is also extremely hard to define the concept of a theme pub that distinguishes it from the average pub. All over England and Wales there has been an obvious rise of Irish, Australian and Mexican theme bars (to name a few). It is difficult to know whether these are permanent 'themes' as many continually change their promotional focus. It is hard to satisfy each individual's taste for traditional or modern bars – so theme bars tend to change the visual appearance of the pub, making internal and external alterations and giving the pub a name consistent with the desired theme.

### Hot Food Takeaways

The issue of hot-food takeaways has also created some complaints and concerns with increased transport, smells and litter etc. An examination of practice does suggest that in some cases the responsible authorities put conditions on restaurants that have newly opened or have changed use<sup>12</sup>. An article from 1991 by Thomas and Thomas also showed that many authorities do

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<sup>6</sup> Personal communication – Nick McKenzie, Chief Development Manager Estates, Burger King, 25<sup>th</sup> March 2000.

<sup>7</sup> LPAC (1998) Study on A3 Use Classes Order, report no.2/98/

<sup>8</sup> Personal communication – Ian Woolverton, Campaign for Real Ale (CAMRA), 12<sup>th</sup> April 2000.

<sup>9</sup> Op cit note 7

<sup>10</sup> House of Commons (11 June 1999) Stephen Pound MP, Hansard Column 961-968.

<sup>11</sup> Home Office (2000) Time for Reform: Proposals for the Modernisation of Our Licensing Laws (White paper)

<sup>12</sup> e.g. Kocak v Secretary of State for the Environment, Transport and the Regions and another, 7 October 1998; or Murray v Secretary of State for the Environment & Another, 1 December 1993

put conditions on hot-takeaway use. Although their survey was small they discovered that 44% had policies in dealing with takeaways. It seems that takeaway use has greater implications than that of restaurants and further research is required to establish the environmental and transport effects and whether takeaways should be subject to regulation under a separate class.

## **Class A (1)**

### Funeral Parlours

There was a debate in parliament concerning a local newsagent shop that turned into a funeral parlour with no restrictions<sup>13</sup>. This was briefly considered in the 1991 Use Classes review commissioned by the DETR and it was decided to leave these in the same category<sup>14</sup>. There has been a private members bill put forward in the House of Commons to remove paragraph (f) funeral parlours from the A1 use class. The MP that put forward this motion is not confident this will be passed – 'I foster no illusion that the bill is likely to be passed'<sup>15</sup>.

### Car showrooms

A potential problem that was raised in this research was car showrooms being converted into shops or markets. We could not find many examples of this happening in practice in England and Wales, although we identified that this had been an issue in Scotland several years ago (and indeed led to a change in the legislation there). In the courts, one case concerned a challenge to a planning condition that a car showroom must stay a showroom if it was sold<sup>16</sup>.

### Warehouse Clubs

One issue that is not covered under the current legislation and may require clarification – particularly in respect of the use classes is membership warehouse clubs. These clubs are often large retail supermarkets for members only. Because there is a restriction on members and they are not 'visited by members of the community'<sup>17</sup>, there has been contention over whether they fall under shops in the A1 use class. This confusion has been clarified in PPG6 which states that "these outlets share many of the characteristics of very large retail outlets, in which case they should be treated for the purposes of this guidance as if they were retail purposes"<sup>18</sup>

## **Class B**

A review of the UCO by the DoE in 1991<sup>19</sup> found that the freedom introduced by the revisions to the UCO in 1987 to the B1 use class had had a mixed effect on business interests. The main findings were that the new business class has:

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<sup>13</sup> op cit note 10

<sup>14</sup> Department of the Environment (1991) An Examination of the Effects of the Use Classes Order 1987 and the General Development order 1988.

<sup>15</sup> House of Commons (1 December 1999) Oliver Letwin MP, Hansard Column 405-412

<sup>16</sup> Dunoon Developments Limited v Secretary of State for the Environment and Another, 31 October 1991.

<sup>17</sup> R v Thurrock Borough Council and others ex parte Tesco Stores Ltd, 27 October 1993.

<sup>18</sup> DETR (1996) PPG6, para 3.8

<sup>19</sup> DOE (1991) An examination of the effects of the Use Classes Order 1987 and the general Development Order 1998

- assisted in increasing the overall provision of office specification and mixed business space by giving access to that previously allocated to industry.
- the corollary of the above point is that there has been reduced supply of industrial land and new industrial premises in areas of constrained supply and competition between prospective users.
- proved useful to those companies requiring flexibility within a range of activity
- benefited the owners of employment land, giving them the freedom to change their property to a business use which gives a higher return.
- reduced the ability of planning authorities to exercise influence over the type of employment in their area, as they might previously have sought to do in response to the skills base in the local population
- no adverse effects on amenity in local situations, except in some situations from increases in transport, because changes have been in the direction of cleaner activity
- as a direct consequence, led to increased traffic as a result of an intensification of use and higher employment densities<sup>20</sup>

In 1994, the (SIUCs) special industrial use classes (B3-B7) were subsumed in B2. The switch is from planning to pollution control as a mechanism for providing adequate safeguards<sup>21</sup>. Some of the concerns detailed in Blackhall's paper<sup>22</sup> on the grouping together the former B3-B7 use classes with the existing B2 uses include

- the attractiveness of SIUCs sites for traditional B2 uses because of low land values, thus jeopardising their retention solely for SIUCs
- the problems created by enabling the location of SIUCs next adjacent to traditional B2 uses

The paper highlights the level of antipathy that exists towards SIUC type uses and the confusion and disillusionment that could result from the curtailment of planning powers from the local authority, which is regarded as the relevant authority to which public comment and concerns are addressed.

However, the extent of the issue should not be blown out of proportion since one of the Government's reasons for the amalgamation of the B3-B7 type uses was that there were few applications of this type.

"...as I delved deeper into planning law, I found out about business use classes B1, B2, B8, and the situation is even worse. Permitted development rights to change units of 235 sq m to B8 use are being exercised in conjunction with amalgamation, which is causing extraordinary problems for local amenities and

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<sup>20</sup> op cit note 19, para 8.13

<sup>21</sup> Blackhall, J (1995) Journal of Planning and Environmental Law. Planning Control and Special industrial uses: B2 or not 2B

<sup>22</sup> op cit note 21

roads and the character of area. The difficulties are significant but nothing can be done<sup>23</sup>.  
(Stephen Pound MP)

## **Class C**

### Permanent Homes to Temporary Accommodation

An issue that has arisen regarding use class C is the change of use from permanent residential to the provision of accommodation for business or other visitors. Developers have turned many flats to luxury temporary accommodation in the London area. The Court of Appeal earlier this year found in a case concerning flats overlooking Hyde Park that this change of use did not constitute development under the C use class<sup>24</sup>.

### Permanent Homes to 'Temporary' Homes for Community Care Patients

Another concern with this class over the last decade has been local authorities buying up property for housing care in the community patients. Many local people have objected that this has affected the amenity of their area. The courts have found that this does not require planning permission under class C3 in most circumstances (limited to 6 people in one house)<sup>25</sup>.

## **Class D – Assembly and Leisure**

Research by LPAC has found that it is difficult to define large commercial developments under D2<sup>26</sup>. This use class is still the same as in 1972 and covers a wide range of uses including cinemas, concert halls, bingo halls, nightclubs and indoor sport venues. Their research concluded that because of the difference in the scale and characteristics of leisure developments in modern planning this class is now very much outdated.

The LPAC research (based specifically in London) found that there is increasingly support amongst the London Boroughs for a review of the D2 Use Class at national level. They found that 60% of all the London Boroughs were in favour of a review and many thought that this Use Class should be split.

### Large Scale Multiplex Cinemas / Bingo Clubs / Bowling Centres

LPAC reported that there is growing concern with these large-scale newly emerging leisure complex formats. These developments are characterised as being different to traditional leisure developments as they are far bigger and are often located in out of town sites. LPAC found that as a result of them being out-of-town this has a massive effect on transport as most journeys to them are car based (as opposed to centre of town based leisure complexes).

Again presumably these sorts of developments will require planning permission and be subject to conditions and the permission of the local authorities. However,

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<sup>23</sup> op cit note 10

<sup>24</sup> Hyde Park Residence Ltd v Secretary of State for the Environment, civil division 26th January 2000

<sup>25</sup> Richards and others v Surrey Hampshire Borders National Health Service Trust, 29 October 1998; R v Bromley LBC, ex parte Sinclair, 2 May 1991, C & G homes Limited v Secretary of State for Health, 5 November 1990.

<sup>26</sup> LPAC (1999) Leisure Development in London report ADV81;

LPAC (1998) Large Commercial Developments in London: Supplementary Advice – report ADV65

there is some concern that there may be major changes under this class in the future.

## Cinemas to Nightclubs

A debate in parliament also revealed the unsatisfactory changes that can be made in class D2 – the main one being that a cinema can be changed to a nightclub<sup>27</sup>. The distinction between an old style dancehall and new all night dance venues clearly was not considered thirty years ago when the basis for this class was conceived. These new dance venues (although regulated by licensing laws) could obviously have major impacts concerning noise, transport (people leaving them by car or on foot), and litter etc). It would seem sensible to redefine the categories in this class. LPAC has made some recommendations for changing this class (below)<sup>28</sup>.

- subdividing the D2 Class on the basis of criteria such as sport and non-sport uses; active or passive recreational uses; indoor or outdoor uses; traffic generating and non-traffic generating uses; assembly uses where visitors arrive for set 'events' or those with more regular departure and arrival patterns
- subdividing the D2 Class to distinguish large indoor leisure facilities as a separate category (perhaps based on floor space criteria)
- excluding all leisure uses from the Use Classes Order, thereby warranting local planning authority consideration of each case (Sui-generis)
- excluding cinemas from the D2 Use Class and treating them as Sui generis (as is the current case for theatres).

## **General Permitted Development Order**

There appear to be several concerns over the use of permitted development rights for temporary purposes such as Sunday markets, car boot sales, clay pigeon shooting, and racing venues. English case law suggests that if something is more than temporary (i.e. exceeds the permissible days under the legislation, or there is an erection of a more permanent seeming structure) then the local authorities will issue enforcement notices and are in most instances quite strict. A farm used for vehicular sports was issued with an enforcement notice as they constructed a track and didn't remove tyres that were part of the racecourse<sup>29</sup>. Similarly, Sunday markets that exceeded the number of occasions they were allowed to operate were swiftly stopped<sup>30</sup>. Although such temporary uses may have obvious environmental effects such as noise, litter, and traffic implications it seems sensible to allow local authorities to decide on the merits of each application as they can understand the effects on their own area better. Although some individuals may object they also bring pleasure to others and a difficult balance has to be struck.

## **Scotland**

Although the remit of this research project covers only England and Wales it was considered important to examine developments which had taken place in Scotland. Scotland has its own distinct legislation relating to Use Classes and there have been many changes to this legislation to reflect changes in planning

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<sup>27</sup> Stephen Pound – op cit note 10

<sup>28</sup> op cit note 21

<sup>29</sup> Ramsey and another v Suffolk Coastal District Council, 10 January 1997

<sup>30</sup> R v Epping Forest District Council (ex parte Standmill Ltd) 21 April 1989.

policy since the 1980s. This section examines the research into the effectiveness of the use classes that has taken place in Scotland and the subsequent changes to the legislation. There could be obvious parallels with the system in England and Wales.

The changes to the Scottish legislation came about after an extensive period of consultation and research. In 1994 a Scottish Office research report was published which evaluated the effects of the Use Classes Order<sup>31</sup>. This came after a similar Department of the Environment sponsored research report had been published in England and Wales in 1991. The Scottish research was followed in 1996 by a consultation document looking to amend the legislation<sup>32</sup>.

## **Changes to the Town and Country Planning (Use Classes) (Scotland) Order 1989**

Changes were made to the 1989 legislation in the Town and Country Planning (Use Classes) (Scotland) Order 1997 with additional guidance being published in Circular 1/1998. The lists of the significant changes under this new Order are contained below.

### Hot food takeaways

Under the legislation these were removed from class 3 (food and drink). A change to or from hot food takeaway use is not permitted under the order and will probably require planning permission. The main effect of this change is that planning permission will be required to convert a restaurant into a hot food takeaway. Planning permission is not required to change from a hot food takeaway to a class 1 (shops) or class 2 (financial, professional or other services).

These changes were specifically made because they raised different environmental issues (noise, litter, extended opening hours, extra traffic and pedestrian activity) from the others in class 3 such as restaurants. The legislation followed the recommendations in the research.

### Special Industrial Classes

The special industrial use classes were abolished and were brought within the general industrial use class. This was considered to be permitted as legislation covering all environmental media had been passed since the Use Classes Order was introduced which control all potential environmental and pollution effects. However, this change was not without restriction. As there could be changes between general industrial classes and business classes the Government introduced an amenity criteria. The change would be dependent on 'whether the use, in all its aspects, is one which can be carried out without detrimental effects on the environment by reason of noise, vibration, smell, fumes, smoke soot, ash, dust or grit.'

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<sup>31</sup> Central Research Unit Scottish Office (1994) A Review of the Use Classes Order.

<sup>32</sup> Scottish Development Department (1996) A Review of the Town and Country Planning (Use Classes) (Scottish) Order 1989

### Bed and Breakfast

This allows limited use of a house as bed and breakfast accommodation, without the need to obtain planning consent. An amendment order in 1998 clarified the fact that only houses fell under this provision, not flats. However, appropriate limits would be required to ensure that deregulation did not have significant adverse effects on the amenity of the surrounding area.

### Car Showrooms

This allows the right to change a car showroom into a shop without planning permission (although this is restricted to showrooms with a floor area of 235 sq m or less). This threshold was introduced as car showrooms could change to shops under the previous legislation. Research found that many supermarkets were buying up former car showrooms in out of town developments, which caused conflicts including increased traffic generation.

### Business Use Classes

The research in 1994 suggested that this class was difficult to implement because it did not define the environmental effects of business class development to include traffic or parking. The impacts of office development relate to vehicular and pedestrian activity, rather than those in the amenity test (noise, fumes etc) which are impacts of industrial development. A criticism of the effects of these developments has concerned the increased traffic and on-street parking, arising mainly from commuting, which has been attracted to unsuitable locations, such as those originally intended for light industrial development

The circular that comes with the legislation now advises that an amenity test be undertaken. This, under the business class, covers things such as effect to the amenity of an area by reason of noise, vibration, smell, fumes, smoke, soot, ash or grit. The guidance says that the amenity test is not intended to test the complete environmental acceptability of a proposal. A development may be refused planning permission on grounds of such things as traffic generation. However, planning permission is not normally required to change the use of a building or land from one to another within the business use class. The classes are interchangeable because they are judged to have broadly the same effects on the environment.

### Public Houses

Interestingly, Public Houses whose primary purpose is the sale of alcohol for consumption on premises is outside the scope of class 3 (food and drink) by virtue of Article 5(3) of the UCO<sup>33</sup>.

## **Conclusions**

From the literature reviewed so far, the most significant areas for concern appear to be in relation to Use Classes A (including its relationship with D2) and the B Use Class. These would appear to be the areas most fruitful for case study analysis. Classes C and D (other than D2) raise issues that are often difficult to address because the nature of the issues reflects complaints founded more on

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<sup>33</sup> Scottish Office Development Department (1998) Circular 1/1998. The Town and Country Planning (Use Classes) (Scotland) Order 1997

differences in attitude, fear, life style, and in some cases antipathy towards and among different parts of the local community. It is not considered appropriate that the Use Classes Orders should be the mechanism for dealing with these issues. In terms of the literature around, temporary uses seem of relatively minor importance compared to Classes A and B. Generally, the issues raised relate more to issues of enforcement (e.g. breach of the 14-day rule), rather than something inherently wrong with the GPDO. It would not obviously seem to be appropriate to change the GPDO to attempt to achieve something that should properly be dealt with through enforcement of the existing legislation, especially when case law indicates that enforcement is carried out and often effectively. This is also an area where one person's enjoyment is another person's aversion. However, a generic case study on temporary uses would be appropriate to clarify in more detail the nature of these concerns, and how, if at all, these can be better addressed.

## **BIBLIOGRAPHY FOR LITERATURE REVIEW**

### **1 LEGISLATION**

#### **1.1 ENGLAND AND WALES**

Town and Country Planning (Use Classes) Order 1987  
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Town and Country Planning (Use Classes) (Amendment) Order 1995

#### **1.2 SCOTLAND**

Town and Country Planning (Use Classes) (Scotland) Order 1989  
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### **2 GOVERNMENT PUBLICATIONS**

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## **3 PARLIAMENTARY DEBATES**

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House of Commons (27 July 1999) Oliver Letwin MP - Shops being converted into funeral parlours; Hansard Column 153 – 154

House of Commons (1 December 1999) Gareth Thomas MP & Beverly Hughes MP Public Houses being converted into McDonalds theme restaurants; Hansard Column 405 – 412

#### **4 OTHER PUBLICATIONS ON GOVERNMENT POLICY**

LPAC (1999) Leisure Development in London, report ADV81

LPAC (1998) Large Commercial Leisure Developments in London: Supplementary Advice, report ADV65

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#### **6 PUBLISHED PAPERS**

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#### **IN HOUSE MATERIALS**

Cameron Markby (1987) Planning Uses: Some Recent Developments.

#### **Consultation**

McDonalds  
Burger King  
Campaign for real ale (CAMRA)

**CASES WHICH SPECIFICALLY MENTION THE USE CLASSES ORDER 1987**

<b><u>CASE</u></b>	<b><u>NOTES</u></b>
1 Hyde Park Residence Ltd v Secretary of State for the Environment, Transport and the Regions and another, COURT OF APPEAL (CIVIL DIVISION) 26 JANUARY 2000	Residential occupation of flats to luxury accommodation for short-term visitors. C3 Dwellinghouse Change of use did not constitute development.  STATUS – very relevant
2 Hughes v Secretary of State for the Environment, Transport and Regions and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 22 NOVEMBER 1999	Public house – appeal against planning permission requiring certain opening hours. More appeal against PPG notes.  STATUS – not very relevant
3 Adur District Council v Secretary of State for the Environment and another, COURT OF APPEAL (CIVIL DIVISION), 23 JULY 1999	Permitted development rights under P17 Class B TCP (GPD) Order 1995 Quay had permission to store cars – also docking and loading  STATUS – not very relevant
4 Millington v Secretary of State for the Environment, Transport and the Regions and another, COURT OF APPEAL (CIVIL DIVISION), 25 JUNE 1999	Farm turned into vineyard – wine tasting. Traffic problems with visitors. Agricultural use or development under class D2.  STATUS – quite relevant
5 R v Secretary of State for the Environment, Transport and Regions and another ex parte Panton, COURT OF APPEAL (CIVIL DIVISION), 23 JUNE 1999	Costs – whether residential use  STATUS – not very relevant
6 Oceanic Village Limited v Shirayama Shokusan Company Limited and others, CHANCERY DIVISION, 26 MAY 1999	Gift shop in agreement.  STATUS – not very relevant
7 McCarthy v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 8 MARCH 1999	Whether a mineral industry changes use under B2 if start crushing and screening of waste minerals. Plus importation and storage of materials  STATUS – quite relevant
8 Wright & Fuller Ltd v Commissioners of Customs and Excise, VAT AND DUTIES TRIBUNALS, 26 FEBRUARY 1999	STATUS – not very relevant
9 Hyde Park Residence Ltd v Secretary for the Environment, Transport and Regions and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 6 JANUARY 1999	See 1

10	RICHARD AND OTHERS v SURREY HAMPSHIRE BORDERS NATIONAL HEALTH SERVICE TRUST, LANDS TRIBUNAL, 29 October 1998	House bought for care in the community patients – allowed under class c3 (b). Only issue concerns compensation for neighbours who claim will affect value of property  STATUS – a little relevant
11	Adur District Council v Secretary of State for the Environment Transport and the Regions and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 19 OCTOBER 1998	See 3.
12	Kocak v Secretary of State for the Environment, Transport and Regions and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 7 OCTOBER 1998	Planning appeal – permission to change from shop to restaurant as long as don't do takeaways  STATUS – a little relevant
13	R v Maldon District Council and another, ex parte Pattani, Court of Appeal (Civil Division), 31 July 1998	Whether pharmacy in supermarket is in breach of planning. ie does it fall under A1 (shops) – found that was in same class  STATUS - relevant
14	Thames Water Utilities Ltd v Oxford City Council and another, CHANCERY DIVISION, [1999] 29 July 1998	Restrictive covenant – D2 recreational uses – things associated with football stadium.  STATUS – not very relevant
15	Thames Water Utilities Ltd v Oxford City Council and another, CHANCERY DIVISION, [1999] 29 July 1998	As above
16	Chichester District Council v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 5 JUNE 1998	Planning permission – conditions Non-food retail warehouse development – A1 Concern with out of town developments  STATUS – a little relevant
17	R v Ashford Borough Council, ex parte Shepway District Council, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 7 MAY 1998	Retail park – planning permission – conditions Premises not to be used for anything that not specifically applied for whether or not in same use class  STATUS – a little relevant
18	Hobcraft v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 16 MARCH 1998	Castle Used as a dwelling house (C1) then changed to mixed used dwelling house / catering for functions  STATUS - relevant
19	Coles and ors v William Hill Organization Limited, CHANCERY DIVISION, 6 MARCH 1998	STATUS – not relevant

20	Macleod v National Grid Co plc, LANDS TRIBUNAL, 4 March 1998	STATUS – not relevant
21	Jackson Projects Ltd v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 9 DECEMBER 1997	Change of use of premises to business B1 from B8 Planning application dismissed.  STATUS – a little relevant
22	Tarmac Topblock Ltd v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 28 NOVEMBER 1997	Change of use of premises from B2 to residential Planning application dismissed.  STATUS – a little relevant
23	Brown v Gloucester City Council, COURT OF APPEAL, 3 November 1997	STATUS – not relevant
24	R v Maldon District Council, ex parte Pattani, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 16 OCTOBER 1997	See 13
25	Chartered Trust plc v Davies, COURT OF APPEAL, 31 July 1997	STATUS – not relevant
26	R v Lam and others v Brennan (t/a 'Namesakes of Torbay') and another, COURT OF APPEAL (CIVIL DIVISION), 30 JULY 1997	Planning permission for change of use from residential to B1 industrial. Was for craft workshop – didn't mention paint spraying. Local people bought action.  STATUS – a little relevant
27	R v Newbury District Council and Another, Ex parte Chieveley Parish Council, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 23 JUNE 1997	New bury showground Permitted development
28	BROMLEY LONDON BOROUGH COUNCIL v LONDON DOCKLANDS DEVELOPMENT CORPORATION LANDS TRIBUNAL, 7 May 1997	STATUS – not relevant
29	Foyle v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 29 APRIL 1997	STATUS – not relevant
30	MARKS (TRUSTEES OF TN MARKS DECEASED) v CLARK (VALUATION OFFICER), LANDS TRIBUNAL, 18 April 1997	STATUS – not relevant
31	Re Nichols' Application, LANDS TRIBUNAL, 3 February 1997	STATUS – not relevant

32	R v London Borough of Merton and Another, Ex Parte Driver, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 21 JANUARY 1997	Planning permission – mixed business and light industrial use for estate. Use as B1,B2 and B8 Challenge as waste recycling centre one of the units in the estate  STATUS – a little relevant
33	JONES AND JONES v WELSH WATER AUTHORITY, LANDS TRIBUNAL, 9 August 1996	STATUS – not relevant
34	FELGATE (VALUATION OFFICER); RE THE APPEAL OF, LANDS TRIBUNAL, 8 August 1996	STATUS – not relevant
35	Bathrooms Complete (West Midlands) Ltd v Secretary of State for the Environment and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 16 MAY 1996	Change of use from use as warehousing (B1) – to mixed use for warehousing & for the retail sale of bathroom suites. Case centred on whether only a small number of customers actually calling at premises could constitute a shop.  STATUS – quite relevant
36	London Borough of Barnet v Secretary of State for the Environment and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 15 MAY 1996	Refused planning permission for change of use from photo studio to health club Affect on nearby residents amenity noise etc  STATUS – quite relevant
37	Safeway Stores plc v Secretary of State for the Environment and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 2 MAY 1996	Refused planning permission Existing buildings to superstore (out of town) Impact on town centre trade  STATUS – not relevant
38	BRITISH TELECOMMUNICATIONS PLC v BROADWAY (VALUATION OFFICER), LANDS TRIBUNAL, 18 March 1996	STATUS – not relevant
39	Girobank plc v Clarke (Inspector of Taxes), CHANCERY DIVISION, 4 March 1996	STATUS – not relevant
40	London Borough of Bromley v Secretary of State for the Environment and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 27 FEBRUARY 1996	Pensioners flats – bed-sits Condition in permission that only for elderly as transport implications (lack of parking) More cars have detrimental affect on locality  STATUS – a little relevant
41	R v Royal Borough of Kensington and Chelsea and Another, ex parte Europa Foods Ltd, COURT OF APPEAL (CIVIL DIVISION), 7 FEBRUARY 1996	Amalgamation of 2 units into one – Christies auction house Change of use under A1?  STATUS – a little relevant

42	R v Kensington and Chelsea London Borough Council, ex p Europa Foods, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 15 JANUARY 1996	As above
43	De Faria v Secretary of State for the Environment and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 30 NOVEMBER 1995	Guest house at nos 45 & 47 knocked into 43 to expand without planning permission. They continued to live in 43. Worry about noise / disturbance. Although now substantial hotel rather than existing guest house judge said that nothing to do with change of use classes.  STATUS – a little relevant
44	MAKRO SELF-SERVICE WHOLESALERS LTD v BRENNAN (VALUATION OFFICER), LANDS TRIBUNAL, November 1995	STATUS – not relevant
45	Kaleidoscope Housing Association Ltd v Secretary of State for the Environment and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 31 OCTOBER 1995	Planning permission of hostel – day centre treating people with drug problems. Change of class?  STATUS – a little relevant
46	Kalra v Secretary of State for the Home Department, COURT OF APPEAL (CIVIL DIVISION), 13 November 1995,	Purchased office for solicitors office Assured changing from A1 to A2 would not be a problem – was and refused planning permission as said class B.  STATUS - relevant
47	IRVING BROWN AND DAUGHTER v SMITH (VALUATION OFFICER), LANDS TRIBUNAL, 16 August 1995	Rate values  STATUS – not relevant
48	Chelsfield MH Investments Ltd v British Gas plc, COURT OF APPEAL (CIVIL DIVISION), 10 JULY 1995	British gas – landlords try to stop them selling electric products as change of use under lease  STATUS – not very relevant
49	Woolwich Building Society v Secretary of State for the Environment, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 21 June 1995	Building society wanted to expand into retail premises next door. Change of use from A1 to A2 required. Refused - Wanted to preserve character of area.  STATUS – quite relevant
50	BARNET LONDON BOROUGH COUNCIL v LONDON TRANSPORT PROPERTY, QUEEN'S BENCH DIVISION, 2 May 1995	STATUS – not relevant
51	The Mayor and Burgesses of the London Borough of Barnet v London Transport Property, Queen's Bench Divisional Court (Crown Office List), 2 March 1995	See above

52	R v Secretary of State for the Environment and another ex parte De Walden Estates Ltd, Queen's Bench Division (Crown Office List), 24 February 1995	Planning permission – condition placed on change of use – only B1 Nice quote from judge on need to place limitations  STATUS – quite relevant
53	Empress Car Company (Abertillery) Limited v Secretary of State for Wales and Another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 2 February 1995	Car dealers bought neighbouring land to expand Inspector - refused planning permission – as affect amenity of area – appeal  STATUS – a little relevant
54	Barclays Bank plc v Daejan Investments (Grove Hall) Ltd, CHANCERY DIVISION, 23 November 1994	Change of use from bank – A2 That ok whether structural alterations ok Mainly landlord / tenant law  STATUS – a little relevant
55	Tidman v Reading Borough Council, QUEEN'S BENCH DIVISION, 4 November 1994	Negligence – boat repair and sale shop – offer to buy from engineering co – LA advised ok but planning permission refused – found out later planning permission not required as change of use within A1 and B2.  STATUS – not that relevant
56	Sefton Metropolitan Borough Council v Secretary of State for the Environment and Others, Queen's Bench Division (Crown Office List), 26 July 1994	Granted planning permission in accordance with class A (takeaway) – challenge of inspectors decision and how he ran inquiry. He decided that no harm to amenity. Objection that just cause highway authority didn't object didn't mean there was no traffic objection.  STATUS – quite relevant
57	Kalra v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 15 July 1994	See 46
58.	Forest of Dean District Council v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 15 July 1994	Change of use from holiday caravan park to permanent residential use. Inspector said ok. Did not consider traffic generation effects.  STATUS – quite relevant
59.	KOLBE HOUSE SOCIETY v DEPARTMENT OF TRANSPORT, LANDS TRIBUNAL, 11 July 1994	STATUS – not relevant
60	Marsh v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 29 June 1994	Refusal of planning permission – wanted to store equipment on agricultural land for constructing buildings – refused as Class B8 – adversely affects the amenity of residents nearby.  STATUS – quite relevant

61	INTERCITY PROPERTY CONSULTANTS LIMITED v BLACK COUNTRY DEVELOPMENT CORPORATION, LANDS TRIBUNAL, May 1994	STATUS – not relevant
62	South Bucks District Council v Secretary of State for the Environment ex parte and others, Queen's Bench Division (Crown Office List), 23 March 1994	Garden centre – LA said breach of planning control in putting up sheds, temporary buildings and conservatories (brick walls around so could stand up). Argued it was part of retail use under class A1 and didn't constitute development.  STATUS - relevant
63	Murray v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION (CROWN OFFICE LIST), 28 January 1994	Permission denied to extend hours of café/takeaway A3 – inspector refused as harmful effects upon amenities of the locality  STATUS – quite relevant
64	Christoforou v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 1 December 1993	Unauthorised use of premises for general industrial purposes – B2 Permission denied as effect on amenity  STATUS – quite relevant
65	Orbit Developments (Southern) Ltd v Secretary of State for the Environment & Another, Queen's Bench Division (Crown Office List), 25 November 1993	Change of use from D1 to B1 Research Lab owned by IC – argued that it was redundant as D class. Inspector disagreed and refused change on grounds of amenity of area.  STATUS – quite relevant
66	R v Thurrock Borough Council and others, ex parte Tesco Stores Ltd and others, QUEEN'S BENCH DIVISION, 27 October 1993	Membership warehouse club – restricted to use to 'non-retail use' – the use of the warehouse as shop would require planning permission – supermarket chains sought judicial review – A1 only includes sales 'to visiting members of the community' – as membership here, it doesn't. Also doe letter saying although these warehouses may resemble warehouses, they should be treated as if they were major retail outlets.  Status: Relevant
67	Adams & Another v Secretary of State for the Environment & Another, Queen's Bench Division (Crown Office List), 20 October 1993	Enforcement notice – change of use of land for display and sale of building materials - retailed potatoes and manure before – argued that does not constitute development as still within Part A – Class A  Status: Relevant

68	R v Thurrock Borough Council & Others ex parte Tesco Stores Limited & Others, Queen's Bench Division (Crown Office List), 30 July 1993	See 66
69	Palisade Investments Ltd v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 23 June 1993	Retail shop – bureau de change A1 – A2 Change of use and breach  Status - relevant
70	Bride Brick Company Limited v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 10 June 1993	Status – Not Relevant
71	Victoria Gardens Nursing Home v The Commissioners of Customs and Excise, Manchester VAT Tribunal, 26 May 1993	Permission for Nursing home and nothing else  Status – Not Relevant
72	Pelling v Secretary of State for the Environment and anor, Queen's Bench Division (Crown Office List), 11 May 1993	Applicant wanted to turn A1 shop into café Refused on grounds of local plan  Status - relevant
73	HADDON v BLACK COUNTRY DEVELOPMENT CORPORATION, LANDS TRIBUNAL, 15 March 1993	Status – Not Relevant
74	Hereford City Council v Secretary of State for the Environment & Davies, Queen's Bench Division (Crown Office List), 3 February 1993	Change of use of dwelling-flats as defined in Class C3 to bedsits and flats  Status – A little Relevant
75	Jankel v Secretary of State for the Environment & Runnymede Borough Council, Queen's Bench Division (Crown Office List), 1 February 1993	Change of use from farm to building for reconstruction of motor vehicles (B1) Green Belt –development would cause disturbance  Status – A little Relevant
76	Royal Borough of Windsor and Maidenhead v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List) 18 January 1993	Erection of sheltered home to elderly – accepted although dispute about parking Borough worried that if sold to others then more parking problems. Inspector foresaw this.  Status – A little Relevant
77	WALKER (VO) v RAILEX SYSTEMS LTD, LANDS TRIBUNAL, 22 December 1992	Status – not relevant

78	Mayor & Burgesses of the London Borough of Camden v McDonald's Restaurants Limited, Court of Appeal (Civil Division), 6 October 1992	Planning permission given for extension to restaurant (to be done within 5 years). Leased to book shop for 2 years. The McDonalds take lease and want to do extension. Camden say need planning permission. Can go A3 – A1 But not the other way round. Court found for McDonalds.  Status - relevant
79	CAMDEN LONDON BOROUGH COUNCIL v McDONALD'S RESTAURANTS, COURT OF APPEAL (CIVIL DIVISION), 6 October 1992	See above
80	Hartnell v Secretary of State for the Environment and Hertsmere Borough Council, Queen's Bench Division (Crown Office List), 24 July 1992	Use as a garage / artist studio – separate residential unit  Status – A little Relevant
81	Trustee Savings Bank England and Wales PLC v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 13 July 1992	Change of use from retail to bank Refused as want to keep shops in centre area  Status – A little Relevant
82	M & L MANAGEMENT AND LEGAL LIMITED v BOURNEMOUTH BOROUGH COUNCIL, LANDS TRIBUNAL, 30 June 1992	Status – Not Relevant
83	London Borough of Camden v Secretary of State for the Environment & Another, Queen's Bench Division (Crown Office List), 19 June 1992	Status – Not Relevant
84	HJM Caterers Ltd v Secretary of State for the Environment & Another, Queen's Bench Division (Crown Office List), 19 June 1992	Refusal planning permission Class A3 pub – amusement centre Retention of shopping area  Status – A little Relevant
85	Blight & White Ltd v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 19 June 1992	Conditional planning permission - class B1 –use as a light industrial building (used for steel fabrication) – 13 years later complaints – upheld – use classes Focussed on impact not its description  Status – A little Relevant
86	JONES (VO) v TOBY RESTAURANTS (SOUTH) LTD, LANDS TRIBUNAL, 21 April 1992	Status – Not Relevant

87	Brill and Another v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 9 April 1992	Refusal of planning permission – to sell imported produce in farm shop – tried to argue no change under A1. Green belt policies won.  Status - Relevant
88	Chichester District Council v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 18 March 1992	Chalets on farm – permission subject to seasonal conditions when they could be occupied – inspector on appeal said this could be all year round although for holiday purposes only in C3 – council applied to quash as difficult to enforce and 'holiday accommodation was insufficiently precise to ascertain means of compliance. Chalets won.  Status – quite relevant
89	Nutri-System (UK) Limited v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 12 February 1992	Retail use –weight loss centre Said still falls under class A1 – inspector found it didn't as for advice and counselling rather than to make a purchase. Permission given to continue under conditions.  Quite relevant
90	Orbit Developments (Southern) Ltd v Secretary of State for the Environment & Another, Queen's Bench Division (Crown Office List), 20 December 1991	See 65
91	R v Blaby District Council & Another, Queen's Bench Division (Crown Office List), 18 December 1991	Status: Not relevant
92	Dunoon Developments Limited v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 31 October 1991	Planning permission for car sales showroom on condition it stays that. Taken over by market retailers – was condition allowed.  Status: a little bit relevant
93	Woolwich Building Society v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 29 October 1991	See 49
94	Sevenoaks District Council v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 24 October 1991	Status: Not relevant
95	BLUE BOYS DEVELOPMENT LTD v TUNBRIDGE WELLS BOROUGH COUNCIL, LANDS TRIBUNAL, 25 July 1991	Self catering unit – residential units – ok Land tribunal  Status – not that relevant

96	Wesson v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, [10 July 1991	Empty retail unit – estate agents Refused as local plan policy (town centre shops) Appeal as inspector didn't mention UCO 87  Status – quite relevant
97	R v Bromley London Borough Council, ex parte Sinclair, QUEEN'S BENCH DIVISION, 2 May 1991	Local authority house – plan to home 3 mentally handicapped persons there with care on rota basis – whether use within class C 3 (b) or C2. Planning permission required? No as less than 6 residents.  Status – relevant
98	British Bakeries Ltd v Thorbourne Retail Parks Ltd and another, Chancery Division, (Transcript:Blackwell), 11 April 1991	Status: Not relevant
99	Cambridge City Council v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 21 March 1991	Status: Not relevant
100	Vision Engineering Ltd v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 18 January 1991	Status: Not relevant
101	Westminster City Council v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 14 January 1991	Disputed condition in new building whether condition should be inserted to prohibit temporary use of residential building.  Status: Not that relevant
102	Launchdeal Limited v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 14 December 1990	Development of site for residential / business purposes – local plans v national policies (UCO 87) Confusion over role of UCO and circular  Status – not that relevant
103	Tubecharm Limited v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 6 November 1990	Hotel – hostel Same class so inquiry changed from house to hostel in 1948 – year the TCPA 1947 came into force. Judge didn't except evidence what time of year i.e. before or after act it changed inspector said not hotel but would give permission for hotel on condition that hot hostel  Status - relevant

104	C & G Homes Limited v Secretary of State for Health, Court of Appeal (Civil Division), [1991] 5 November 1990	Houses purchased for care in the community 4 in each house with services of nurse ct said this was ok but ordered enquiry whether was a nuisance and if there should be damages  Status - relevant
105	Blue Boys Developments Limited v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 11 October 1990	See 95
106	Horsham District Council v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), CO/2123/89, 18 June 1990	B1 garage workshop – shoe repair workshop UCO wasn't considered at first Inspector allowed – this appeal concerned residents saying it would generate extra traffic – dismissed  Status - relevant
107	Times Investment Ltd v Secretary of State for the Environment and another, COURT OF APPEAL (CIVIL DIVISION), 12 June 1990	Condition on permission to change use – change of owner – locus standi  Status Not relevant
108	Kyprianou v Secretary of State for the Environment, Court of Appeal (Civil Division), 17 May 1990	Hostel – hotel Changed illegally in 1966 but with LA knowledge – now seeks permission as hotel – refused at first as worry about parking - overturned  Status - relevant
109	Mason v Swallow (Valuation Officer), Lands Tribunal, 24 April 1990	Status Not relevant
110	Mayor and Burgesses of the London Borough of Tower Hamlets v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 5 March 1990	Change from B8 to B1 (storage – offices) LA objected Consideration of circular and UCO –good discussion on where LA can object – environmental effects
111	West Oxfordshire District Council v Secretary of State for the Environment and another, Queens Bench Division (Crown Office List), 5 March 1990	Hospital buildings to sheltered homes for frail elderly (with nurses) Debate whether C2 or C3 or no class Sec of state wanted to avoid housing estates so gave conditional permission and found had both elements of c2 and c3.  Status – quite relevant

112	Charnwood Borough Council v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 23 February 1990	Barn into dwelling house Local vs national policies  Status – not that relevant
113	Cawley v Secretary of State for the Environment and another, QUEEN'S BENCH DIVISION, 21 February 1990	Garden centre – started storing and selling caravans Argued fell within A1 Judge disagreed – A1 concerns shops not open spaces  Status - relevant
114	McDonald's Hamburgers Ltd v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 6 October 1989	Planning permission to change A1 to fast food business Inspector refused on traffic grounds Mcdonalds lost on appeal  Status – a little relevant
115	LONDON RESIDUARY BODY v SECRETARY OF STATE FOR THE ENVIRONMENT AND OTHERS AND RELATED APPEALS, COURT OF APPEAL (CIVIL DIVISION), 20 July 1989	GLC buildings after abolition Chambers – fall under office use in UCO Predominant use not office  Status – a little relevant
116	R v TUNBRIDGE WELLS BOROUGH COUNCIL, Ex p BLUE BOYS DEVELOPMENT LTD AND OTHERS, QUEEN'S BENCH DIVISION, 20 July 1989	See 95
117	Gedling Borough Council v Secretary of State for the Environment and others, Queen's Bench Division (Crown Office List), 19 July 1989	Barn to art gallery  Not really relevant
118	Bishopsgate Managements v Secretary of State for the Environment and Another, Queen's Bench Division (Crown Office List), 27 June 1989	Permission for office development in listed building / also conservation area. Argued that part of building already offices. Refused as council policy that shouldn't be offices and no evidence to suggest part or all was continuously offices  Status – quite relevant
119	Henshaw v Secretary of State for the Environment and another, Queens Bench Division (Crown Office List), 20 June 1989	Coal and timber yard – enforcement notice – sold logs and coal from site but order as stored coal and logs on site – court looked at whether ancillary or primary use (B8)  Status – quite relevant

120	The Mayor & Burgesses of the London Borough of Tower Hamlets v Secretary of State for the Environment and others, Queen's Bench Division (Crown Office List, 12 June 1989	See 110
121	The Masters & Keepers or Wardens and Commonalty of the Mystery or Art of Brewers of the City of London v Viewplan PLC, Chancery Division, 17 May 1989	Changes between use classes 1972 and 1987 – whether forseen that 1987 classes wider  Status – not relevant
122	R v Epping Forest District Council ex parte Standmill Ltd, Queens Bench Division (Crown Office List), 21 April 1989	Sunday markets Operated on basis of exemptions under GDO Then sought planning permission Refused and put a stop to temporary rights as exceeded number of occasions allowed Interim relief refused  Status relevant
123	CAMDEN LONDON BOROUGH COUNCIL v SECRETARY OF STATE FOR THE ENVIRONMENT AND ANOTHER, Queen's Bench Division, 3 March 1989	Camden policy – retain light industry in area DoE guidance that conditions should not be imposed which would prevent changes of use within B1 – this case exactly what happened Judge found sec of state failed to realise that this case was an exception and quashed  Status - relevant
124	Skeggs v Secretary of State for the Environment and London Borough of Bromley, Queen's Bench Division (Crown Office List), 5 September 1988	Change of use to storage of heavy machinery Argued whether change from light industrial use to general. Previously a pie factory  Status a little relevant
125	Co-operative Retail Services Limited v Wycombe District Council, Lands Tribunal, 4 July 1988	Status – not relevant
126	Newport Borough Council v Secretary of State for Wales and another, Queen's Bench Division (Crown Office List), 30 March 1988	Conditions on planning application to stay within certain class –in this A1  Status – not really relevant
127	Stevens v Secretary of State for the Environment and another, Queen's Bench Division (Crown Office List), 29 March 1988	Status – not relevant