



**OFFICE OF THE  
DEPUTY PRIME MINISTER**

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14 July 2003

**PROPERTY PROTECTION FOR EMPTY PREMISES**

Dear Mr Mills

You have asked whether it is necessary to obtain planning permission for "change of use" if temporary guardians were put in place (for protection reasons) in an otherwise empty school until the school has a new user.

We are not able to comment on specific cases; that would be a matter for the local authority. But, in general terms, where there has not been any "development" to the property – ie. if the premises in question has not been modified so as to become (for example) a residential dwelling – then the matter depends on whether there is a "change of use" to the same building.

The Use Classes Order relies on the concept of "primary use". If the primary use of the building in question remains the same, the fact that it is currently not being used is not relevant. -- Schools are often unoccupied during the evening/night, but they are still schools. This instance is merely a "lengthening" of that situation.

In the case of an empty school that is occupied by "guardians", if the guardians are resident merely to ensure the security of the building as a school, and there has been no conversion to other uses, the building therefore remains a school, and there is no change of use. Planning permission is therefore not required.

I hope this is satisfactory to your needs.

Yours sincerely,

**Andrew Gough**