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Planning Inspector rules that Data Centres are a B8 Use

As industrial agents, you might be considering letting vacant warehouse units as data centres. However, the question often arises as to whether the data centre requires planning permission because some Local Planning Authorities consider that data centres are a use class of their own - i.e. "sui generis" and not Class B8 - storage use.

This planning issue has been clarified in a groundbreaking decision at Magna Park at a recent planning appeal where the Planning Inspector granted a Lawful Development Certificate confirming that a Data Centre is a Class B8 use.

The Inspector considered that although data centres inevitably comprise of the storage of computerised electronic equipment, this does not mean that the emphasis of the operation is on the use of computers. The purpose of the electronic equipment is the storage of data; that equipment is merely the storage and handling medium. The use of electronic equipment is no more the primary purpose of the facility than the use of racks and rails is the primary purpose of a traditional clothing warehouse.

The inspector noted that in the schedule to the Town and Country Planning (Use Classes) Order 1987, Class B8 encompassed use for "storage" or as a distribution centre. The word storage was not qualified by reference to goods or in any other way. He held that data storage might be a relatively novel form of "storage" but it was nevertheless storage.

Subject to any High Court challenge the decision should clarify an issue where there has been different interpretations between local planning authorities thereby saving unnecessary applications.

Implications for industrial agents

As a result of this decision, data centre uses can be regarded as a Class B8 use and consequently planning permission for use of a vacant and lawful



Class B8 unit will not require planning permission for use as a data centre.

Nevertheless, the Local Planning Authority might still consider that planning permission is required for any changes to the external appearance of the building, or servicing and access requirements associated with the proposed data centre use.

For further information and a copy of the full decision letter please contact:

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