



## **Mezzanines – who needs them?**

Retailers are always looking at ways to part the public from their money. New premises are expensive but one way to increase floor space, especially in the large, high ceiled buildings, is to insert a mezzanine floor. This was thought to be a cheap option especially as planning permission was not required. However, the planning authorities did not agree.

The reason why it was believed planning permission was not required was because under S52(2)(a) of the Town and Planning Act 1990, works which “.. only affect the interior of the building” did not need planning.

In a recent case over the construction of a mezzanine floor, the Court held that where the original planning permission either prohibited the insertion of a mezzanine or stipulated a maximum floor area, then those prohibitions could not be exceeded. If there is therefore no restriction in the original planning permission then planning should not be required.

The Government and Local Authorities have been very concerned about the provision of mezzanine floors, which they see could lead to more users in the building than originally permitted and therefore have proposed to control this type of development. The government has published a consultation paper on restricting the size of mezzanine floor space in shops. They have proposed limiting the maximum amount of floor space to 200 square metres. They are now considering the responses and secondary legislation will be in force shortly – no dates are yet available.

**Author:** Sarah Shemmings

**Date:** February 2005

**Email:** [sas@shemmingsllp.co.uk](mailto:sas@shemmingsllp.co.uk)