

NEW PERMITTED DEVELOPMENT RIGHTS AGRICULTURAL BUILDINGS TO RESIDENTIAL (CLASS Q)

The Town and Country Planning (General Permitted Development) (England) Order 2015 came into force on the 15th April 2015. The Order has updated and reclassified the Permitted Development Rights under Schedule 2 Part 3 (i.e. Changes of Use).

Class Q (formerly class MB) allows for development consisting of:

- A change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Use Class C3 (dwelling houses); and
- Building operations reasonably necessary to convert the building to a use falling within Class C3.



These rights do not apply to Listed Buildings, sites which are, or contain, a Scheduled Monument or buildings within a National Park, the Broads, an Area of Outstanding Natural Beauty, an area designated as a Conservation Area, and on land within a World Heritage Site.

If the site is, or forms part of, a site of Special Scientific Interest, a safety hazard area or a military explosives storage area it is also excluded from these rights.

For the permitted development rights to apply, certain criteria need to be met. This criteria is summarised overleaf.

Although the regulations allow for residential conversions in principle, there is a prior notification procedure to be undertaken with the local planning authority (LPA). A fee will be required.

Prior Approval

Before commencing the development, the developer needs to apply to the LPA for a determination as to whether prior approval of the authority will be required. **The LPA will consider whether the location or siting of the building makes it otherwise impractical or undesirable for a change of use to take place, the potential highways implications, noise impact, contamination and flood risks.** In addition the developer will need to apply to the LPA for a determination as to whether prior approval of the authority will be required as to the design or external appearance of the building. There is a fee due to the LPA and they have the ability to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

- Development is not permitted by Class Q where the site was not used solely for an agricultural use, as part of an established agricultural unit on 20th March 2013 or, if the site was not in use on that date, when it was last in use before that date.
- The cumulative floor space of the existing building or buildings changing use within an established agricultural unit must not exceed 450 square metres, and no more than three separate dwelling houses can be developed under Class Q on an established agricultural unit.
- The change of use is not permitted if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained.
- The order prevents this change of use where the erection or extension of agricultural buildings has been carried out under Part 6, Classes A (a) or B (a) of the Second Schedule to the GPDO on the established agricultural unit since 20th March 2013, or within 10 years before the date development under Class Q begins, whichever is the lesser.
- It permits building operations reasonably necessary to convert the building to residential use; however, it does not allow development that would result in the external dimensions of the converted building extending beyond the external dimensions of the existing building at any given point.
- Building operations that are allowed are listed as the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house, and partial demolition to the extent reasonably necessary to carry out these building operations.
- The development must be completed within a period of three years beginning with the date on which any prior granted for that development, or beginning with the date on which the period of 56 days expires without the LPA notifying the developer as to whether prior approval for that development is given or refused, whichever is the earlier.
- Note that the existing building must be structurally strong enough to take the loading which comes with the external works – this follows government guidance that was released in March (2015).



For more information visit our website www.acorus.co.uk or contact your local Acorus office.

(please note the above is only a brief summary and landowners are advised to research what applies in their circumstances)

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