

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 15 April 2015 and has been amended as of April 2018. 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 permitted development rights.

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

Although the regulations allow for residential conversions in principle, there is a prior notification procedure to be undertaken with the Local Planning Authority (LPA).

Prior Approval Procedure

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



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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 payable 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.

Class Q Criteria

- Development is only permitted by Class Q where the site was used solely for an agricultural use, as part of an established agricultural unit on 20 March 2013 or, if the site was not in use on that date, when it was last in use before that date.
- The development right can provide up to 5 new dwellings:-
 - up to 3 larger homes within a maximum of 465 square metres, or
 - up to 5 smaller homes each no larger than 100 square metres, or
 - a mix of both, within a total of no more than 5 homes, of which no more than 3 may be larger homes.
- 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 20 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 approval was 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.
- Planning Policy Guidance for the change of use of agricultural buildings was revised in February 2018 and June 2018. The key wording regarding Class Q is now, 'It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use'. The latest guidance also clarifies the situation regarding any internal works for the conversion.

Please note the above is only a summary of the Prior Approval procedure and landowners are advised to research what applies in their circumstances.

Updated June 2018

