Planning Policy Guidance

Permitted development rights for the change of use of agricultural buildings

What new uses can an agricultural building change to?

There are 3 main uses to which an agricultural building can change under permitted development rights. They are to:

- a flexible use
- an educational use
- a residential use

There are size thresholds, limitations and conditions associated with the rights.

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Revision date: 05 03 2015

What are the flexible uses?

Subject to a number of conditions and restrictions, agricultural buildings and land in their curtilage may convert to a “flexible use” under Class R. Flexible use means any use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

The size thresholds, limitations and conditions are set out at Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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What are the educational uses?

Subject to a number of conditions and restrictions, agricultural buildings and land may convert to a “state-funded school” or “a registered nursery”.

A state-funded school is a school funded wholly or mainly from public funds, including:

- an Academy school, an alternative provision Academy or a 16 to 19 Academy established under the Academies Act 2010(d)
- a school maintained by a local authority, as defined in section 142(1) of the School Standards and Framework Act 1998(e)

A registered nursery means non-domestic premises in respect of which a person is registered under Part 3 of the Childcare Act 2006(a) to provide early years provision. The size thresholds, limitations and conditions are set out at Class S of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

In addition, subject to a number of conditions and restrictions, there is a right to change use of a building and any land within its curtilage as a state-funded school for two academic years. The rights are set out in Class C of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

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What are the residential uses?

Subject to a number of conditions and restrictions, agricultural buildings and land within their curtilage may convert to a use falling within Class C3 of the Schedule to the Use Classes Order 1987 (dwelling houses). These conditions and restrictions are set out in Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

The right allows for a maximum number for the following types of houses:

- up to 3 larger homes, to be greater than 100 square metres and within an overall floorspace of 465 square metres; or
- up to 5 smaller homes each no greater than 100 square metres; or
- up to 5 homes comprising a mixture of larger and smaller homes, with neither exceeding the thresholds for each type home.

The right requires that for larger homes each of the 3 homes has to be larger than 100 square metres in residential use and allows for up to 1 home of 465 square metres in residential use. For smaller homes the right requires that a home can have no more than 100 square metres of floor space in residential use. Development of dwelling houses other than those defined as “larger” or “smaller” is not allowed under

Class Q. In calculating the number of new homes allowed under the right any existing homes within the established agricultural unit not granted permission under Class Q should be discounted.

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What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?

The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, 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. 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. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.

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Revision date: 15 06 2018

Are there any limitations to the change to residential use?
There are some limitations to the change to residential use. The Class Q rights cannot be exercised where works to erect, extend or alter a building for the purposes of agriculture under the existing agricultural permitted development rights have been carried out on the established agricultural unit since 20 March 2013, or within 10 years before exercising the change to residential use, whichever is the lesser. The agricultural permitted development rights to erect, extend or alter a building are set out in Class A (a) or Class B (a) of Part 6 of Schedule 2 to the General Permitted Development Order, as amended (agricultural buildings and operations).
In addition, the site must have been used solely for an agricultural use, as part of an established agricultural unit, on 20 March 2013, or if it was not in use on that date, when it was last in use. If the site was brought into use after 20 March 2013, then it must have been used solely for an agricultural use, as part of an established agricultural unit, for 10 years before the date the development begins. If there is an agricultural tenancy in place, there are separate arrangements set out in Class Q.

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Revision date: 15 06 2018

Are there any conditions attached to the change to residential use?
There are some conditions attached to the change to residential use. Before beginning the development, an individual will need to apply to the local planning authority for a determination as to whether the prior approval of the local planning authority is necessary for the change of use. This prior approval will be in respect of transport, highways and noise impacts of the development, and also as to the flooding and contamination risks on the site, and whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to dwelling house. In addition, applicants will need to check whether the prior approval of the authority will be required as to the design or external appearance of the building.

The procedure for prior approval is set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. This procedure was amended in April 2014 to make clear that the local planning authority must only consider the National Planning Policy Framework to the extent that it is relevant to the matter on which prior approval is sought, for example, transport, highways, noise etc.

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Is there a sustainability prior approval for the change to residential use?

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house.

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What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

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