Planning Practice Guidance

Are there permitted development rights for reusing an agricultural building?

There is a range of permitted development rights to support the re-use of agricultural buildings and land within their curtilage. These permitted development rights are set out in Class M, Class MA and Class MB of Part 3 of Schedule 2 (changes of use) to the Town and Country Planning (General Permitted Development) (England) Order 1995. These classes were inserted into the General Permitted Development Order in 2013 and 2014.

View further details of the permitted development rights for the change of use of agricultural buildings (as per below).

What are permitted development rights?

Permitted development rights for the change of use of agricultural buildings

Paragraph: 101 Reference ID: 13-101-20150305

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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Paragraph: 102 Reference ID: 13-102-20150305

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 M. 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 M.

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Paragraph: 103 Reference ID: 13-103-20150305

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 MA.

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 a single academic year. The rights are set out in Class C.

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Paragraph: 104 Reference ID: 13-104-20150305

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 MB. The maximum floor space that may be converted under this permitted development right is 450 m^2 of floor space of a building or buildings within a single established agricultural unit. The total number of new homes which may be developed under the right is 3. The right is extinguished once any of the conditions ie the 3 dwellings or 450m^2 threshold, is reached. The total number of new homes (3 dwelling houses) does not include existing residential properties within the established agricultural unit, unless they were created by the use of the permitted development right on a previous occasion, in which case they would be counted.

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Paragraph: 105 Reference ID: 13-105-20150305

Are any building works allowed when changing to residential use?

Building works are allowed under the change to residential use. The permitted development right under Class MB assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building , which would otherwise require planning permission, should be permitted. The right allows for 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 include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to

take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

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Paragraph: 106 Reference ID: 13-106-20150305

Are there any limitations to the change to residential use?

There are some limitations to the change to residential use. The Class MB rights cannot be exercised where works for the building, extending or altering of a building, or the installation of additional or replacement plant or machinery for the purposes of agriculture under the existing agricultural permitted development, 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 are set out in Class A (a) or Class B (a) of Part 6 of Schedule 2 to the General Permitted Development Order (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 MB.

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Paragraph: 107 Reference ID: 13-107-20150305

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, a 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) Order 2013. 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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Paragraph: 108 Reference ID: 13-108-20150305

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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Paragraph: 109 Reference ID: 13-109-20150305

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.