



Class R – Agricultural Buildings to ‘Flexible’ Commercial Use (as amended May 2024)

The Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015, Schedule 2, Part 3, Class R allows the change of agricultural buildings (and land within its curtilage) to ‘flexible’ commercial uses – i.e., uses falling within the following use classes:

- **Class B2** (General industrial – but limited to the processing raw goods, excluding livestock, which are produced on site and are to be sold on the site);
- **Class B8** (Storage or distribution);
- **Class C1** (Hotels);
- **Class E** (Commercial, business or service); or
- **Class F.2(c)** (Outdoor sport and recreation).

Or for the provision of agricultural training.



To qualify for Class R, the following criteria must be met:

- The subject building(s) needs to have been solely in agricultural use as part of an established agricultural unit –
 - on 3rd July 2012;
 - in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
 - in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins.
- The total cumulative floor area of the existing building(s) to change use under Class R must not exceed 1000m²;
- The building(s) **must not** be:
 - A listed building (or within the curtilage of a listed building);
 - A scheduled monument (or part thereof);
 - Form part of, or be located within, a safety hazard area;
 - Form part of a military explosives storage area.

Class R does however apply in National Parks, National Landscapes (formerly AONBs), in Conservation Areas, Site of Special Scientific Interest (SSSI) or the Green Belt and the building does not need to be redundant or vacant.

It is important to note that Class R allows for the change of use only. Any associated operational development (see Step 5) will require a separate application for planning permission.



Class R is unique in that instead of changing the use of the building to a specific use class, any completed conversion will be treated as 'Sui Generis', i.e., it does not fall into a specific use class. This means that any future changes to C3 (dwellinghouse) or C4 (HMO), for example, will require full planning permission. However, as it will be converted under 'flexible use', you can apply again under Class R to convert the building to another use within those listed above.

Step 1 – Application Process

The procedure to apply under Class R varies slightly depending on the size of the building(s):

Prior Notification – buildings with less than 150m² of existing floor space

For building(s) where the cumulative floor space (to be converted) does not exceed 150m², no Prior Approval is required from the Local Planning Authority (LPA) but they will need to be notified (in writing) of the following:

- 1.The date the site will begin to be used for any flexible use;
- 2.The proposed nature of the use or uses;
- 3.A plan indicating the site and which buildings have changed use.

For cumulative development of floor areas up to 150m², on buildings that fit the criteria, there is no requirement to wait (from the date of submission) before development or use can start.

Prior Approval – buildings exceeding 150m² of existing floor space

Where the cumulative existing floor area to be changed exceeds 150m² but does not exceed 1000m², the applicant must submit a 56-day notice to the LPA for Prior Approval.

Prior Approval is required for the following matters:

- 1.Transport and highways impacts of the development;
- 2.Noise impacts of the development;
- 3.Contamination risks on the site; and
- 4.Flooding risks on the site,

and the provisions of paragraph W (prior approval) apply in relation to that application.



For buildings exceeding 150sqm, development cannot begin until written confirmation is received that prior approval is, or is not, required. However, development/change of use can commence right away if the Council exceed the 56 days required to make the determination.

Step 2 – Application Checklist

1. Evidence that the existing, lawful use of the building is agricultural.
2. A Prior Approval Notice application form (for buildings exceeding 150m²).
3. Covering letter demonstrating compliance with the relevant criteria / conditions.
4. A site plan indicating the building(s) (and land within its curtilage) to change use.
5. An application fee of £120 (plus Planning Portal service charge of £64) payable to the LPA.

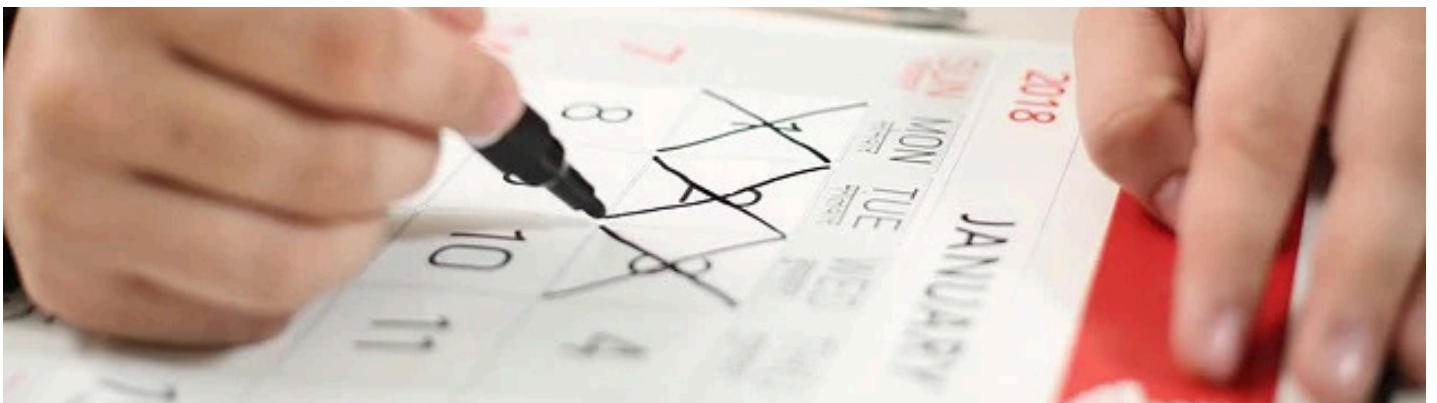
Step 3 – Determination Process

The LPA will consult with statutory consultees, including the Lead Local Flood Authority (LLFA)/Environment Agency (EA), Drainage Officers, Local Highways Authority (LHA), Environmental Health Officer (EHO), to determine whether prior approval is required for criteria a) to g), as set out in Step 1 above.

The LPA has 56 days to determine a Class R Prior Approval application. If the LPA fails to issue a decision within this period (and there has been no further extension of time agreed), then planning permission is deemed as granted (providing the application was valid) and the use can commence.

Step 4 – Future Considerations

- Development should begin within 3 years from the date of Prior Approval being granted, or where an application is granted for associated operational development, 3 years from the date planning permission is granted;
- Once development under the Prior Approval has commenced, an owner will be unable to extend or build a new agricultural building via agricultural permitted development rights (Class A(a) or Class B(a) of Part 6 of the GPDO) for a period of 10 years within the same agricultural unit.



Step 5 – Subsequent Application for Operational Development

As mentioned previously, Class R grants consent for a change of use only. Unlike Class Q, it does not grant consent for associated operational development to convert the building for its intended use.

Any associated operational development (e.g., building repairs, design alterations or other operations in relation to the same building or land which are 'reasonably necessary' to use the building or land for the use proposed under Class R) will require a separate application for planning permission and this would be assessed against adopted Development Plan policies.

The local authority cannot dispute the use of the building as this has already been granted by Class R and will therefore mainly be focused on matters of layout and design. With any agricultural conversion, the design should be in keeping with the rural character and retain (as much as possible) original materials, whilst limiting new openings for doors and windows.

For more information or advice on Class R Permitted Development Rights, please get in touch.

The full application for conversion works may also trigger a requirement to demonstrate that protected species, such as bats or nesting birds, would not be harmed, or that any loss of roost features would be suitably mitigated, such as providing bat boxes. The input / advice of suitably experience ecologists would be required in this instance.



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The summary above is intended to provide general guidance only. It should not be relied upon in the absence of formal professional advice.