

PLANNING NEWSLETTER

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Class Q – Buildings on Agricultural Units and Former Agricultural Buildings to Dwellinghouses (as amended May 2024)*

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), at Schedule 2, Part 3, Class Q allows the change of buildings on agricultural units and former agricultural buildings to dwellinghouses.

Permitted Development

Q. Development consisting of –

(a) A change of use of:

- A building that is part of an established agricultural unit and any land within that building's curtilage, or
- a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage;

to a use falling within Class C3 (dwellinghouses) of Schedule 1 of the Use Classes Order.

(b) Development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a); or

(c) Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

In effect, (a) allows for the change of use, (c) allows for operations 'reasonably necessary' to convert the building to a dwelling, and (b) allows for extensions to the building (in restricted circumstances – see further below).



Step 1 – Qualifying Buildings and Land Designations

The principle qualifying criteria is that the building(s) must have been part of an established agricultural unit (e.g., a farm or vineyard) since 24 July 2023. Buildings which do not currently form part of an agricultural unit can also qualify but must have been last used for the purposes of agriculture and previously formed part of an agricultural unit for at least 10 years.

If the site is occupied under an agricultural tenancy, Class Q cannot proceed unless the express consent of both the landlord and the tenant has been obtained. The PD Rights will also not apply if an agricultural tenancy has been terminated less than 1 year before the development begins and has been terminated for the purpose of carrying out the development, unless the landlord and tenant agree in writing that the site is no longer required for agricultural use.

Development is not permitted where buildings have been constructed on the same agricultural unit via agricultural permitted development rights (Class A(a) or Class B(a) of Part 6 of the GPDO) in the 10 years prior to the date development under Class Q would begin.

Any restrictive conditions on previous planning permissions also need to be taken into consideration.

Class Q is not applicable on the following sites and designations:

- On Article 2(3) land (e.g., in Conservation Areas, National Landscapes (formerly AONBs), the Broads, National Parks, or World Heritage Sites);
- Site of Special Scientific Interest (SSSI);
- Where it forms part of a Safety Hazard Zone or Military Explosive Storage Area;
- The site cannot be or contain a Scheduled Monument;
- The site cannot be a Listed Buildings (or within the curtilage of);
- Where there is no existing suitable access to the public highway.

Step 2 – What am I allowed to do?

- Class Q allows for the creation of a total of 10no. dwellings (up to 100m² each), and a cumulative maximum of 1000m² residential floorspace (including any previously developed under Class Q), within the same agricultural unit;
- The maximum size of any dwelling created under Class Q is 150m²;
- Any curtilage to be provided should be no larger than the external footprint of the existing building;
- Single storey, rear extensions up to 4m deep and 4m high provided it occurs at the same time as the change of use (i.e., it cannot be applied retrospectively), and where:
 - The extension sits on existing hardstanding which has been in place since at least 24th July 2023;
 - The eaves of the extension are no higher than the eaves of the existing building, and the ridge is no higher than the highest part of the existing building; and
 - No part of the extension protrudes beyond an existing side or front elevation of the building.

N.B. any rear extensions count toward the floor space limits set by Class Q.

- Building operations 'reasonably necessary' for the building to function as a dwellinghouse. These are limited to:
 - 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 dwellinghouse.
- Partial demolition is also allowed to the extent reasonably necessary to carry out the building operations listed above.

Paragraph 105 of the National Planning Practice Guidance (PPG) provides some further clarification on the scope of Class Q as follows:

"The Right assumes that the agricultural building is capable of functioning as a dwelling. 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.

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."



Step 3 – Prior Approval

Subject to compliance with the qualifying criteria set out above, an application for Prior Approval will need to be made to the Local Planning Authority (LPA), who will consider the following matters for prior approval:

- a) Transport and highways impact of the development,
- b) Noise impacts of the development,
- c) Contamination risks,
- d) Flooding risk,
- e) Whether the location or siting of the building makes it impractical or undesirable for residential use; and
- f) The design or external appearance of the building, and
- g) The provision of adequate natural light in all habitable rooms of the dwellinghouses,

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

Separate legislation, such as the Habitat Regulations, may mean that other issues need to be addressed too. For example, there may be protected trees which could be impacted by the development, or protected species (particularly bats), which will require input from specialist consultants including the submission of supporting reports and surveys.

Step 4 – Application Checklist

A Class Q Prior Approval application will need to include the following:

- Evidence that the building is lawfully in agricultural use;
- If required, written consent from both the landlord and tenant to cease an agricultural tenancy;
- Application forms;
- Site location plan;
- Site layout plan;
- Existing and proposed floorplans and elevations;
- Completed CIL forms (Form 1 and 2);
- Structural survey (to demonstrate the building is structurally sound and capable of conversion without significant alteration);
- Planning statement/covering letter, and any other necessary reports, to demonstrate compliance with Class Q legislation;
- LPA application fee (plus Planning Portal service charge of £64).

Step 5 – 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 3 above.

The LPA has 56 days to determine a Class Q Prior Approval application. If the LPA fails to issue a decision within this period, then planning permission is deemed as granted (providing the application was valid) and the development can commence.

Step 6 – Future Considerations

- Development should be completed within three years from the date of Prior Approval being granted.
- The Community Infrastructure Levy (CIL, 2010) will also be considered and applied, where adopted. Existing floor area that has been in continuous lawful use for a period of 6 months within the 3-year period preceding development being commenced can be used as deductible floor area in the calculation of the CIL liability. The onus is on the applicant to demonstrate continuous lawful use.
- No agricultural building(s) may be erected or extended on an established agricultural unit under Class A PD Rights (of Schedule 2, Part 6 of the GPDO) within 10 years of the completion of the Class Q development on that unit.
- Securing a Class Q approval will establish a 'fallback position' (i.e. development that can/will be completed in the alternative) for residential development from which an application for a 'betterment' scheme could be submitted.



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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.