

CLASS Q PERMITTED DEVELOPMENT RIGHTS ON FARMS

**THE CHANGE OF USE
OF AGRICULTURAL
BUILDINGS TO
RESIDENTIAL
DWELLINGS**



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INTRODUCTION

This guide provides information on the Class Q permitted development right under the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 for the change of use of agricultural buildings to residential dwellings.

This book is intended to act as an easy to read and follow guide to explain how you can utilise this permitted development right on your farm. You should always obtain

independent planning advice for any project as there are always implications that one application can have over another.

Here at Foxes Rural, we pride ourselves on our proactive approach, attention to detail, and speed of our planning service, which in turn is fed through our company ethics to our clients. We offer a unique guarantee of having any agricultural permitted development application submitted within 28 days of being formally instructed.





24th July 2023

The building must have been in agricultural use on 24 July 2023 or have been in agricultural use for the preceding 10-year period. If the building is now redundant then its last use must be agricultural, as well as being agricultural on 20 March 2013.

Note: If your barn or agricultural building was erected since 24th July 2023, it will need to have existed for 10 years or 10 years after using permitted development rights to construct an agricultural building.

The Class Q Permitted Development Right

The Class Q permitted development right is likely to be available to you on your farm unless you have applied for a 28-day prior approval for an agricultural building on your farm within the preceding 10 years.

Floor Area Limits

You can change the use of up to 10 dwellings. The amount of space that can be converted has increased to 1,000 m², however the maximum size of any dwelling is now 150 m². Therefore, in order to have ten new dwellings under Class Q, each one would need to be 100 m² each.

Scope under Class Q

The prior approval covers not only the conversion, but the walls, windows, roofs, materials, drainage, services etc. If services are required such as guttering on the outside of the building, these cannot protrude more than 0.2m. This same limit can apply for any other works, such as Velux windows for example in the roof.

External walls can be installed which will allow for the conversion of barns or units that are currently open to the elements on one or more sides.

Under Class Q a building must be structurally capable of conversion without

comprehensive rebuilding. This usually means the re-use of existing materials and the structure. We have run into difficulties with planning where asbestos is present and require removal and thus stripping the conversions works back to the structural frame, whereby the planners constitute this to be a comprehensive rebuild rather than a conversion.

Any approved building would be an independent third-party dwelling and would not be subject to any restriction related to the agricultural unit.

Partial Demolition

You are able to partially demolish a building to bring it into a usable residential conversion.

Extensions

Single storey extensions of up to 4m are now allowed under the legislation, but there are strict criteria to follow. The extension can only be located on hardstanding that existed as of 24th July 2023. It must be to the rear of the building and cannot exceed beyond the side walls of the original building. The extension must be developed at the same time as the change of use.

Structural Survey

We always recommend that you should have a structural survey completed of the building, which includes a foundation assessment.

The planners quite often want to see that the building is structurally capable of a conversion and that the foundations are of a suitable load bearing to accommodate the proposal. This is pertinent where there is a proposal for the insertion of a first floor.

The existing building must, in structural terms, already be “capable of functioning as a dwelling.” This means is that the building as it stands must be capable of conversion. If it requires such substantial building operations, then what is proposed amounts to the construction of a new building.

Floor Plans and Habitable Light

From 1 August 2020 there has been a requirement to provide floor plans with your conversion proposal which demonstrates that each habitable room has access to natural light. A habitable room is defined as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

Established Agricultural Unit

Class Q refers to the “established agricultural unit” within which the agricultural buildings are located. Subject to these limits, conversions can be carried out to several different buildings on the same agricultural unit, assuming all other criteria are met. You should ensure that if you have more than one agricultural unit that these are treated separately and not linked under any planning submission.

“agricultural unit” is defined in paragraph D.1 as “agricultural land which is occupied as a unit for the purposes of agriculture, including —

(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or

(b) any dwelling on that land occupied by a farmworker

If the barn existed on or before 24th July 2023 as part of an agricultural unit, yet since that date it has ceased to be part of the agricultural unit and has not been used for non-agricultural purposes or has simply been left empty for 10 years you can also apply for Class Q. This allows for barns that have ceased to be part of the agricultural unit to comply.

If the barn is still part of an established agricultural unit, but has since been used for other purposes, it should now qualify for Class Q too.



Listed Buildings

The Class Q rights do not apply to listed buildings nor deemed curtilage listed buildings. If you are unsure whether or not the building is listed, you should take advice from a heritage consultant.

Suitability of Location for a Dwelling

The planners can refuse the location of a Class Q proposal if it is not located within a suitable location within a farmyard. As an example, if you are proposing a Class Q dwelling next to a livestock rearing building or in part of a building with a noisy grain store with a grain drier, then these would not be deemed to be suitable locations for third party residential dwellings.

Sustainability of Location

Under Class Q, buildings are predominantly in rural locations, which will be considered as unsustainable for residential dwellings under

full planning policy i.e. not within easy reach of services and facilities by means other than a car. Under Class Q this is not a point for consideration and site sustainability is not relevant.

Access

The agricultural barn or unit must have a suitable access road already in existence.

Curtilage

The curtilage of the dwellings under Class Q are restricted to the footprint of the existing building. Therefore all car parking and amenity curtilage needs to fall within an area that is equal to or less than the existing footprint.

Timescale for Completion

The works must be completed within 3 years of the date of any approval under Class Q.



Design Scope

The design is not restricted to anything in particular under Class Q, other than the insertion of windows, doors and services etc to make the conversion fit for occupation as a residential dwelling. Our advice is that we would recommend that designs are conservative under Class Q with more innovative conversion designs best suited to full planning applications.

Agricultural Development

If you have implemented 28 day permitted development using a prior notification for agricultural development such as a building, track or farmyard then this would remove the Class Q rights on your farm.

If you are considering undertaking agricultural development on your farm and you are considering a Class Q application for residential dwellings, then you should apply for any agricultural development under full planning.

Assessment Criteria

The LPA cannot take any other reasons into account and Class Q is not assessed against wider planning policy.

The four main principles under Class Q which must be adhered to in addition to above includes:

1. Transport and highway impacts of the development

The transport and highway impacts of the proposal need to be carefully assessed. You need to ensure that there is suitable access to the dwellings and parking provisions. The access that is being used for the dwellings must have suitable visibility splays and the ownership of the access must be unrestricted for the purpose of residential dwellings.

2. Noise impacts of the development

The noise impacts of the proposals will be most relevant based on the intended user and the proximity of that use to surrounding land uses. If the agricultural is close to residential dwellings that are not part of the farm, then there could be a requirement for a noise survey to accompany the application.

3. Contamination risks on the site

If the site has a presence of contamination, then an application may need to be accompanied by a contamination survey. Examples of contamination could include, diesel tanks, spray stores or close proximity to one, broken asbestos or records of contamination.

4. Flood risk

The flood risk zone of your farm will influence whether there is a requirement for a flood risk assessment to accompany your application. If you are in Flood Zone 1 then this is outside of any area at risk from flooding. Flood Zone 2 is at moderate risk and Flood Zone 3 is at high risk of flooding. Development within Flood Zones 2 and 3 will require a flood risk assessment to accompany

A flood risk assessment would be required in some circumstances and in Flood Zone 3 it may be that the flood risk is too high to comply with Class Q.





Application Timescale

The timescale for the application is set at 56 days. If the LPA miss the 56-day deadline then you can issue a default notice and proceed with the change of use.

National Parks, SSSIs and Areas of Outstanding Natural Beauty

These rights do exist if your farm is in a National Park, SSSI or Area of Outstanding Natural Beauty (AONB).

Our Top Tips

1. Make sure your scheme is fit for purpose and does not conflict with other uses / future plans in your farmyard.
2. Do not merge your farm holdings together when you make a submission. By submitting applications under Class Q for different farm holdings, you benefit from the 865 sq.m floor area thresholds for each holding.
3. Undertake any repairs to the building agriculturally prior to making any submission to ensure that the agricultural building is fit for a change of use. Always submit a structural survey or foundations assessment.
4. Make sure you keep your design simple, with limited alterations. Class Q applications quite often take more than one attempt to get approval with the planning authority. If you get a refusal, look at those reasons for refusal and resubmit with the additional information.
5. Carefully consider the parking and curtilage areas to ensure that you do not exceed the existing footprint of the existing building.

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