

Permitted Development for Agricultural Buildings to Residential

From 6 April 2014 it will be possible, in many instances, to convert agricultural buildings in England to dwellings without planning permission¹.

This does not apply to National Parks, AONBs, World Heritage Sites, conservation areas, listed buildings or where the site forms part of a SSSI, safety hazard area or military explosives storage area.

However it is expected that the local planning authorities in the areas excluded by permitted development will take a positive approach when balancing the protection of the landscape with the social and economic of the area.

The cumulative floor space of the existing building(s) changing use must not exceed 450 square metres and no more than 3 dwellings can be created within an established agricultural unit.

The new permitted development also includes 'building operations reasonably necessary to convert the building' including '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 'dwelling house'. It also allows for 'partial demolition to the extent reasonably necessary to carry out building operations'.

Development is not permitted where the site was not used solely for an agricultural use, as part of an established agricultural unit, on 20th March 2013 or when it was last in use.

The development cannot extend the existing building. Further permitted development rights (to allow for extensions and development within the curtilage without planning permission) do not apply to dwellings created under these permitted development rights.

Development is not permitted where the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained. Likewise development is not permitted where, less than one year before the date development begins, an agricultural tenancy over the site has been terminated for the purpose of carrying out development (unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use).

The change of use is not permitted where permitted development for the erection, extension or alterations of an agricultural building has been carried out on the established agricultural unit either since 20th March 2013, or within 10 years (whichever is the lesser) before the change of use begins.

Before undertaking the development, there is a requirement to apply to the Local Planning Authority for a determination as to whether 'prior approval' will be required as to:

- Transport and highways impacts of the development
- Noise impacts of the development
- Contamination risks on the site
- Flooding risks on the site
- Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to residential use; or
- The design or external appearance of the building

There are existing provisions which guide the 'prior approval' process. The changes also introduce the ability of the Local Planning Authority to attach conditions 'reasonably related to the subject matter of the prior approval'. Where the Local Planning Authority fails to give its decision within 56 days then, by default, prior approval is considered not necessary and the works could commence. Once prior approval has been given the change of use must begin within 3 years. Building Regulations approval and other (non-planning) approvals will be required in the usual way.

The summary above is intended to provide general guidance only and is not a substitute for professional advice on specific properties. For more information, contact us direct.

¹*The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 (2014 No. 564) - Class MB*

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