



**Ryedale District Council - Validation Guidance Note
Conversion of Agricultural buildings to dwellings under permitted development**

**Part 3, Class Q of the Town and Country Planning (General Permitted Development)
Order 2015.**

The regulations under Class Q have been introduced to allow for agricultural buildings to be converted into dwellings without the need for full planning permission. This is subject to going through a prior notification procedure where details are submitted to the Council. Proposals will need to satisfy a number of criteria and will impose certain restrictions on other new agricultural development.

The Provisions

The buildings will need to have been used for agriculture on the 20th March 2013, or last used for agriculture if currently unused or used for agriculture in the preceding 10 years prior to a development under Class Q beginning. If this is the case the provisions allow for the following:

- Creation of up to 3 dwellings by conversion of existing buildings on an agricultural unit and includes associated residential garden area which would be required (agricultural unit requires it to be associated or last associated with an agricultural trade or business).
- Use of up to 450 square metres of existing floor space on an agricultural unit.
- The installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas and other services to the extent reasonably necessary for the building to function as a dwelling.
- Partial demolition to the extent reasonably necessary to carry out the building operations above.

The Restrictions

Whilst it is clear what the Government wishes to achieve in terms of helping rural development it has been necessary to include a number of safeguarding clauses to the legislation in respect of landscape designations, tenant farms and erection of new agricultural buildings.

The legislation restricts the following to requiring planning permission:

- Conversion of barns within Areas of Outstanding Natural Beauty (AONB), National Parks, The Broads, a Conservation Area, or a World Heritage Site.
- Where the site is or forms part of a listed building (including curtilage listed buildings), a scheduled monument, a Site of Special Scientific Interest (SSSI), a safety hazard area or a military explosives storage area.
- Extending and enlarging the existing building beyond its existing external dimensions (including height)
- The garden area provided with the barn (including parking/turning areas) cannot be any bigger than the footprint of the building itself.
- If any conversion works have already commenced an application for prior notification cannot be submitted, and a full planning application would be required.
- You may wish to seek formal pre-application advice from RDC.

The legislation also effects how you can use your normal agricultural permitted development rights by the following:

- Where a new agricultural building has been put up on a unit under the 28 day prior notification procedure (under Part 6, Class A(a)/Class B(a)) since March 2013 or within the preceding 10 years before intending to carry out the conversion under Class Q, whichever is the lesser, these regulations will not apply and full planning permission will be required.
- Where you have carried out a conversion under the new provision (Class Q) it will remove your agricultural permitted development rights for erecting or extending buildings for a period of 10 years, therefore any new agricultural buildings will need full planning permission.

A new section has been added to the National Planning Practise Guidance which clarifies how these proposals should be considered by the Local Planning Authority. This can be found at the following link:

<http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permissionrequired/what-are-permitted-development-rights/permitted-development-rights-for-thechange-of-use-of-agricultural-buildings/>

Advice to Tenant Farmer/Landlords

The regulations include certain criteria which seek to safeguard agricultural tenancies which could be affected where Landlords wish to carryout development under the provisions of Class Q. The safeguards consist of the following:

- If the site is under an agricultural tenancy express consent from both the landlord and tenant will be required before an application for prior notification can be submitted.
- Development under Class Q cannot be carried out where a tenancy has been terminated less than one year before an application for prior notification is made unless both the landlord and tenant have agreed in writing that the site is no longer required for agricultural use.

Types of Building for Conversion

Clarification on this has been introduced in the Planning Practice Guidance in March 2015 which states:

'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.'

Where the LPA does not consider a building to be of a suitable structural condition to convert under the tests of the prior approval process, this may be tantamount to a reason for refusal. As such, on submission of an prior notification application Ryedale District Council request a short statement on how the building can be converted without alterations which exceed those in scope and scale to those identified in the Planning Practice Guidance.

How to apply

An application for prior notification must be submitted before any works of conversion are carried out. These must be submitted to Ryedale District Council's Planning Department where they will have consideration of:

- Transport and highway impact
- Noise impacts
- Contamination risk
- Flood risk
- Whether the location and siting of the building makes it otherwise impractical; or undesirable to be a dwelling – using the National Planning Policy Framework as a guide

There are two routes by which an application can be submitted:

Route 1: The first route is simply an application for prior notification for the principle of the change of use to be established under Class Q (a). If using this first route a further application under Class Q (b) will need to be submitted at a later date which seeks agreement of the design and external appearance of the conversion.

Route 2: The second route is effectively a detailed prior notification application which seeks the agreement of the principle of development and the detailed design and external appearance of the finished conversion (Class Q (a) and (b)). Below provides details of what will need to be provided.

What will you need to submit

The following will need to be submitted to validate the application:

- A completed application form
- Plans indicating the site and showing the proposed development;
 - * Location Plan (scale 1:2500 or 1:1250) with site outlined in red (including access to the highway which will serve the development.
 - * Block Plan (scale 1:500) or Site Plan (scale 1:200) which shows any parking and garden area which will serve the dwelling.
 - * Existing elevations and floor plans at scale of 1:50 or 1:100
 - * Proposed elevations and floor plans at a scale of 1:50 or 1:100.
- The completed Planning Application Additional Information Requirement Form, which is required to establish what, if any, Community Infrastructure Levy (CIL) liability is payable on the scheme.

(Please note that if consent is permitted, the Council will require prior to any commencement of works, the Notice of Chargeable Development). Please see advice on the Council's website for Ryedale's CIL charging Regime and the Planning Portal about the CIL Charge generally).
- If within Flood Zone 2 or 3 a site-specific flood risk assessment
- Protected Species Survey
- A statement detailing the extent of building works required convert the structure to a dwellinghouse.
- An £80 fee if submitting for Class Q (a) or an £172 fee if submitting for Class Q (b) following approval of (a) or submitting for Class Q (a) & (b).
- Additional details required for design and external appearance (either as part of route 2 above or following an application by route 1 being approved)
- The Local Planning Authority to request information in order to determine the application which may include:
 - Assessments of risks or impacts
 - Statements setting out how impacts or risks are to be mitigated
 - Details of proposed operational development

Under these provisions whilst not expressly referred to as one of the prior approval issues for the council to consider, ecology remains a key factor in the conversion of rural buildings. Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) requires all public bodies to have regard to biodiversity conservation when carrying out their functions. In the exercise of its functions the Council is also required to have regard to the requirements of The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations).

The council believes that implications for protected species should be considered as “impacts or risks”. It is also noted that prior approval applications are required to be determined with regard to the requirements of the NPPF which also requires decisions to be taken with regard to protected species. Accordingly, the council will require a prior approval application to be accompanied by an appropriate assessment of the potential impact upon protected species and a mitigation strategy if there are protected species at risk of harm from the development. This could include for example, Barn Owls, Bats and Breeding Birds. Further information can be found at:

<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

What happens once an application is submitted

Once you have submitted an application to the Council you will receive notification when the application has been registered as valid. If any further information is required to validate the application a member of our planning support team will be in contact to advise of what is required.

Once registered as valid the application will be assigned a case officer who will visit the site and post a site notice. The case officer will have 8 weeks in which to consider the proposals against the permitted development criteria in Class Q. You will receive written notification as to whether prior approval is given or refused before or on expiration of 8 weeks from when the application was registered as valid.