

DESIGN, ACCESS & PLANNING STATEMENT – CONVERSION OF 1 NO. BARNs TO DWELLINGHOUSE (CLASS Q PD)

Oak Tree Farm Barns  
Kenton

Church Farm Barn  
The Street  
Thorndon  
Suffolk  
IP23 7JR

E [enquiries@beecharchitects.com](mailto:enquiries@beecharchitects.com)  
W [www.beecharchitects.com](http://www.beecharchitects.com)  
T 01379 678442



## 1.0 INTRODUCTION

This statement is prepared to show the sustainability and features in the conversion of 1 no barn to 1 no dwelling at Oak Tree Farm, Kenton. The barn is unused having previously been used for agriculture.

## 2.0 SITE USE & CONTEXT

The existing use is currently as an unused agricultural barn set adjacent a small group of barns, a barn conversion and dwelling. There are no adjacent listed buildings, the site is not a conservation or special landscape area and it sits adjacent a quiet lane. The site is outside of any listed building curtilage.

## 3.0 TRANSPORT & HIGHWAYS

The site is located on the outskirts of Kenton with good road connections to surrounding villages and the town of Debenham.

The new dwelling has been designed with at least 2 no. parking spaces in accordance with Suffolk County Council 'Suffolk Parking Guidance standards.

Access to the dwellings is proposed via an existing shared access to the highway with more than adequate vision in both directions. The location on the inside of a bend ensures good vision each way.

## 4.0 ENERGY AND SUSTAINABILITY

Flood Risk – The site is within Flood Zone 1 where all types of development are acceptable. There is no risk of flooding of the site and the proposal will not create a greater risk of flooding elsewhere.

Triple glazed

The house features triple glazed insulated units to both minimise heat losses but to also prevent excessive solar gain. These units will also be triple sealed for airtightness and do not feature trickle vents as the whole house MVHR system allows for air circulation and ventilation.

Highly insulated

All walls, floors and roof are highly insulated to a high standard to achieve levels of insulation for these elements in excess of basic building regulation requirements.

#### A + rated appliances

All appliances are A + rated to limit electricity consumption as far as possible.

#### LED lighting

100% of the lighting in the building is low energy LED based. This ensures a 96 percent saving compared to halogen-based lighting.

#### Electric Car Charging

A charging point will be included for the dwelling.

#### Thermal mass

The building has high exposed thermal mass to ground floors to allow for daytime gains to reduce heating requirements at night.

#### Thermalstore

A highly insulated thermalstore will be installed to supply hot water to bathrooms and kitchen as well as supplying hot water to the heating system. This ensures that hot water is always available from a sustainable source.

#### Cold bridging

Careful detailing will take place to ensure that all cold bridges are designed out and as such heat losses are further minimised and the comfort of the building is controlled.

#### Airtight Construction

It is important that the building is extremely well sealed so that the low temperature heating systems work effectively and so that heat is not lost through infiltration and draughts.

#### Natural Cross Ventilation

On hot days the windows on both opposing elevations can be opened allowing rapid cross ventilation.

#### MVHR

The house will be fully fitted with mechanical ventilation heat recovery systems in place of extract fans.

#### Permeable drive

The private driveway will be laid as a reinforced gravel drive to allow all water to permeate through to the ground below and prevent water run off from the site as well as carbon absorption.

Aerating taps/ showers

Aerating valves will be used for all taps and showers to cut water usage by up to 50%.

Reduced water use

The home will have to be designed to use no more than about 80 litres of water per person per day. This will be achieved by fitting such items as:

6/4 Dual Flush WC

Flow Reducing/Aerating taps throughout

6-9 litres per minute shower (note that an average electric shower is about 6/7 litres per minute)

A smaller, shaped bath – still long enough to lie down in, but less water required to fill it to a level consistent with personal comfort;

18ltr maximum volume dishwasher;

60ltr maximum volume washing machine

Waste water

This will be to Klargestør foul water treatment units

## 5.0 DESIGN AND MATERIALS

The barn is designed to be converted with no extension whatsoever.

The barn design has a palette of materials to be expected within this location and found locally in numerous barn conversions.

Windows and doors are aligned where possible with existing openings.

The design carefully reuses existing space to create a spacious family home with countryside views. The large openings and design respect its agricultural origins.

## 5.0 PLANNING

### *Agricultural buildings*

Agricultural buildings are permitted to change to C3 use (dwellinghouses) together with some building operations reasonably necessary to facilitate the conversion, subject to meeting certain criteria:

- No more than five separate dwellinghouses can be developed under this Class
- Subject to this limit of five dwellinghouses, up to three can be 'larger dwellinghouses'. (A larger single dwellinghouse is one with a floor space of more than 100m<sup>2</sup>). No more than 465m<sup>2</sup> of floor space can change use to 'larger dwellinghouses' under this class and no more than 465m<sup>2</sup> of residential floor space is allowed in larger dwellinghouses
- Within the overall limit of five dwellinghouses, up to five can be 'smaller dwellinghouses'. (Smaller dwellinghouses each have a floor space of no more than 100m<sup>2</sup>)
- Development is **not** permitted if the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) exceeds 465 square metres.

It is also subject to Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks, location or siting, and the design or external appearance of the building ([See GPDO Schedule 2, Part 3, Class Q](#) and [amendment to Part 3, Class Q](#)).

Agricultural buildings under 500m<sup>2</sup> are permitted to change to a flexible commercial use, comprising A1, A2, A3, B1, B8, C1 or D2 uses. This is subject to meeting certain criteria, and Prior Approval being sought in relation to uses over 150m<sup>2</sup> in respect of transport and highways impacts, noise impact, contamination risks and flooding risks ([See GPDO Schedule 2, Part 3, Class R](#)).

Agricultural buildings within land under 500m<sup>2</sup> are permitted to change to a state funded school or a registered nursery. This is subject to meeting certain criteria, and Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks and whether the building is suitable for the proposed use ([See GPDO Schedule 2, Part 3, Class S](#)).

**ORIGINAL LEGISLATION CLASS Q- 2018 Amendments in red**

**The Town and Country Planning (General Permitted Development) (England) Order 2015**

UK Statutory Instruments

2015 No. 596

SCHEDULE 2

PART 3

Class Q – agricultural.

***Class Q – agricultural buildings to dwellinghouses***

Permitted development

**Q. *Development consisting of—***

- (a) *a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or*
- (b) **development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.**

Development not permitted

Q.1 Development is not permitted by Class Q if—

**(b) in the case of—**

**(i) a larger dwellinghouse, within an established agricultural unit**

**(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or**

**(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;**

**(c) in the case of—**

**(i) a smaller dwellinghouse, within an established agricultural unit—**

**(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or**

**(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;**

**(d)the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—**

**(i)a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;**

**(ii)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;**

**(e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;**

**(f)less than 1 year before the date development begins—**

**(i)an agricultural tenancy over the site has been terminated, and**

**(ii)the termination was for the purpose of carrying out development under Class Q,**

**unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;**

**(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—**

**(i)since 20th March 2013; or**

**(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;**

**(h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;”;**

(i)the development under Class Q(b) would consist of building operations other than—

(i)the installation or replacement of—

(aa)windows, doors, roofs, or exterior walls, or

(bb)water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii)partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

(j)the site is on article 2(3) land;

(k)the site is, or forms part of—

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area;
- (l) the site is, or contains, a scheduled monument; or
- (m) the building is a listed building.

### Conditions

**Q.2—**(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
  - (b) noise impacts of the development,
  - (c) contamination risks on the site,
  - (d) flooding risks on the site,
  - (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
  - (f) the design or external appearance of the building,
- and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

### **Q.3. For the purposes of Class Q—**

“larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

“smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.”.



## 2018 AMENDMENT IN FULL

### The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018

#### UK Statutory Instruments

2018 No. 343

#### Article 10

#### Amendments to Part 3, Class Q

10. In Class Q of Part 3 of Schedule 2 —

(a) at the end of paragraph Q.(a) for “and” substitute “or”;

(b) in paragraph Q.(b) before “building operations reasonably necessary” insert “development referred to in paragraph (a) together with”;

(c) for paragraphs Q.1.(b) to (h) substitute—

- (b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use

Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3

(dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f)less than 1 year before the date development begins—

(i)an agricultural tenancy over the site has been terminated, and

(ii)the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i)since 20th March 2013; or

(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

(h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;”;

(d)after paragraph Q.2 (conditions), insert—

“Interpretation of Class Q

**Q.3.** For the purposes of Class Q—

“larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

“smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.”.

**The Town and Country Planning (General Permitted Development) (England) Order 2015**

**2015 No. 596**

**SCHEDULE 2**

**PART 3**

**Class V – changes...**

Paragraph X

“curtilage” means, for the purposes of Class Q, R or S only—

(a)

the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b)

an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

***Thus if the gross footprint (outside edge of external walls) is 100m<sup>2</sup> then the area of land can be no greater than 100m<sup>2</sup>. I.e. double the footprint***

## THE INTERPRETATION

### MARTIN GOODALL PLANNING LAW BLOG – APRIL 2018

Tuesday, 3 April 2018

#### Class Q revisited

It always seems to take a little time for the dust to settle after an amendment to the GPDO has been made before people begin to get their heads around the changes and what they really mean.

I have now had the chance to review the changes to Class Q in more detail, and have also read some intriguing comments on the *Planning Jungle* website which suggest that a significant loophole has been created as regards the cumulative total of development that is now permitted under this class.

One aspect of the further re-wording of Class Q in the latest amendment order, on which I have not previously commented, is a change to the definition of the permitted development that can be carried out under this Class. This now provides that the development permitted is EITHER (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses), OR (b) development comprising BOTH the change of use permitted by paragraph (a), AND building operations reasonably necessary to convert the building to residential use. Thus Class Q(b) is no longer confined to building operations alone, but embraces the change of use as well as necessary building operations.

A prior approval application under Class Q(a) will therefore serve no useful purpose, except in those rare cases where all the necessary conversion works are purely internal [or where more extensive building operations, beyond the scope of Class Q(b), are intended]. If building operations affecting the external appearance of the property will be required under the terms of Class Q(b), the Class Q(b) application will necessarily include consideration of *all* the matters listed in paragraph Q.2(1) relating to the change of use, and not simply the one item in sub-paragraph (f) (the design or external appearance of the building). It is therefore clear that an application must be made under Class Q(b) [not Class Q(a)] where building operations within the scope of Class Q(b) will be required, and in accordance with paragraph W(2) this prior approval application must in any event be accompanied by a written description of the proposed development, which must include any building or other operations. It is only if no building operations within the scope Class Q(b) will be required, or if the intended building operations are outside the scope of Class Q(b), so as to require a separate planning application for those works, that a prior approval application under Class Q(a) will be appropriate.

Turning to the number and floorspace limits in the newly substituted paragraph Q.1(b), (c) and (d), the cumulative number of separate larger dwellinghouses (i.e. between 100 sq m and 465 sq m each) developed under Class Q must not exceed 3 within a single agricultural unit. However, the *cumulative floorspace* of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q must not exceed a total of 465 sq m. So you can't build three 465 sq m dwellings on the same agricultural unit.

The *average* size of the larger dwellinghouses (if the maximum of three were to be converted) could be no more than 155 sq m, but they might comprise perhaps one at 110 sq m, one at 140 sq m and one at 215 sq m, or any other combination not exceeding 465 sq m in total, and not exceeding a total of three in number.

In the case of smaller dwellinghouses (i.e. not exceeding 100 sq m each) the cumulative number of these developed under Class Q must not exceed 5. *But it is important to bear in mind that the total of all dwellinghouses converted under Class Q on the same agricultural unit cannot in any event exceed five.* Thus the absolute maximum floorspace that can be converted to residential use is going to be  $465 + 400 = 865$  sq m, comprising no more than 5 dwellings in total, of which no more than three can exceed 100 sq m in size, and none of them can individually exceed 465 sq m.

You can cut the cards whatever way you like, but you cannot create more than 865 sq m of residential floorspace in total (including mezzanine floors) and the maximum number of dwellings you can create cannot exceed five in total.

In practice, it seems unlikely that there would be just one large dwelling of 465 sq m and four of 100 sq m; a more likely scenario would be three dwellings totalling 465 sq m in aggregate plus  $2 \times 100$  sq m = 665 sq m.

I don't think there can be much doubt that this was what was intended by the revised legislation, but I have not addressed the intriguing drafting error that has apparently been identified by *Planning Jungle*. The way that Part 3 works is that each Class first defines what the permitted development consists of, and then goes on (in paragraph Q.1, in the case of Class Q) to define the circumstances in which development is *not* permitted. So far so good, and my paraphrase above summarises the provisions of that paragraph. However, at the end of Class Q, there is now a new paragraph, Q.3 - "Interpretation of Class Q". This defines "larger dwellinghouse" as a dwellinghouse developed under Class Q "which has a floor space of more than 100 sq m *and no more than 465 sq m.*" It follows that a dwellinghouse with a floorspace *greater* than 465 sq m falls outside the definition of a "larger dwellinghouse" entirely. But the provisions of paragraph Q.1 refer only to "a larger dwellinghouse or dwellinghouses" [as so defined] and do not place any limitation on the floorspace of any dwellings that do not fall into the definition of either "a smaller dwellinghouse" or "a larger dwellinghouse". There remains an overall limit of five dwellings in total (not limited or defined by reference to their size), but it is argued by *Planning Jungle* (and I do not disagree with this, even though I am sure it was not intended by the draftsman) that Class Q as now revised appears to permit up to five dwellings of unlimited size on a single agricultural unit, subject (of course) to their being converted from pre-existing agricultural buildings, within the terms of Class Q.

In fairness, it is acknowledged that there is paragraph Q.1(d), which provides that development is not permitted "if the development under Class Q ..... would result in ..... a larger dwellinghouse or larger dwellinghouses *having more than 465 square metres of floor space*". However, as pointed out in *Planning Jungle*, the reference in paragraph Q.1(d) to "a larger dwellinghouse or larger dwellinghouses" brings us back to the difficulty of the definition in paragraph Q.3, which on the face of it clearly confines the definition of "a larger dwellinghouse" to "a dwellinghouse developed under Class Q which has a floor space of ..... *no more than 465 square metres*". Watch out for a further amendment order correcting this anomaly in the fairly near future!

## ASHFORDS SOLICITORS BLOG – 2018

The Town and Country Planning General Permitted Development (England) (Amendment) Order 2018 came into force on 6th April 2018. This Order amends the Town and Country Planning (General Permitted Development) Order 2015 ('GDPO') which grants planning permission for certain types of development (referred to as 'Permitted Development Rights').

As a result of these changes coming into force, there are now greater permitted development rights available for the conversion of agricultural buildings into dwellings under Class Q of the GDPO.

The new permitted development rights provide rural communities with greater development potential when converting agricultural buildings into family homes. The maximum number of new homes capable of being created from existing agricultural buildings on a farm will increase from three to five. This will allow for:

Up to 3 larger homes within a maximum of 465 sq. m.

Up to 5 smaller homes, each no larger than 100 sq. m.

A combination of both of the above options - no more than 5 homes (no more than 3 being larger homes).

In addition, on agricultural holdings of five hectares or more, the changes will enable buildings of up to 1,000 sq. m to be erected (in place of the previous limit of 465 sq. m). For holdings of less than five hectares, existing buildings can be extended up to 1,000 sq. m, provided that the cubic content of the original building increases by no more than 20%.

This is good news for those looking to convert farm buildings that form part of larger complexes of buildings. However, Class Q has often found itself at the heart of the debate over recent years as to what is conversion and what is replacement.

Limits to Class Q remain. It still does not apply to National Parks, Areas of Outstanding Natural Beauty, Conservation Areas and World Heritage sites, restrictions which the Government has apparently decided not to change using the 2018 amendment Order. Further, the permitted development rights will still be subject to conditions and limitations previously imposed (e.g. the site must have been solely used for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013).

In support of the latest changes to the GDPO the Government's Planning Practice Guidance has clarified that there is no longer a specific requirement for a building to be 'structurally strong enough' to take the loading that comes with the works required to convert it. In addition, the NPPG confirms that any interior works, such as introducing a new floor or mezzanine, do not constitute 'development', and local planning authorities cannot refuse proposals due to the extent of internal work involved.

## ATTWELLS SOLICITORS 25-APR 18

### CONVERSION OF AGRICULTURAL BUILDINGS INTO DWELLINGS

The Government is making it easier to convert agricultural buildings into residential dwellings. It has introduced amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the GPDO'), in respect of the permitted change of use from agricultural buildings to dwellinghouses.

From 6<sup>th</sup> April 2018, *up to five* dwellinghouses can be created through the use of Class Q of Part 3 of Schedule 2 of the GPDO, in an attempt to boost the supply of housing in rural areas. (Previously, a maximum of three dwellinghouses could be created).

Within the amendments, the Government has introduced two types of dwellinghouse; namely 'larger dwellinghouses' and 'smaller dwellinghouses'. Larger dwellinghouses have a floor space of more than 100 square metres and no more than 465 square metres, whilst smaller dwellinghouses have a floor space of no more than 100 square metres.

The amended Class Q allows for up to three larger dwellinghouses to be developed where the cumulative floor space does not exceed 465 square metres; or up to five smaller dwellinghouses of no more than 100 square metres each. The amended Class Q will allow for a mixture of both larger and smaller dwellinghouses to be developed, as long as the number of dwellinghouses and the amount of floor space complies with the restrictions set out in Class Q. For example, a large dwellinghouse with a floor space of 465 square metres could be developed in addition to four smaller dwellinghouses each with a floor space of 100 square metres.

In addition, the Planning Practice Guidance ('PPG') associated with the conversion of agricultural buildings to dwellinghouses has been updated (made wider) to allow for appropriate internal works, including structural works such as internal walls and mezzanine or upper floors. It remains the case that it is not the intention of the legislation to allow for 'rebuilding' – beyond what is reasonably necessary for the conversion of the building into residential use.

If a proposed conversion does not fall within Class Q permitted development rights, there is still the option to prepare an application for express planning permission instead.

## CC TOWN PLANNING 2nd May 2018

### CONVERSION OF AGRICULTURAL BUILDINGS INTO DWELLINGS

With the recent publication on proposed changes to the NPPF, two recent updates relating to permitted development rights (Schedule 2, Part 3, Class Q of the Permitted Development Order 2015) that allow the conversion of agricultural buildings to dwellings have slipped by relatively unnoticed. The changes which came into effect on 6<sup>th</sup> April 2018 will be of interest to developers and landowners wishing to convert agricultural buildings. Critically a potential relaxation in the regulations and an increase in both dwelling numbers and floorspace thresholds will no doubt bring forward a number of schemes in the coming months, including landowners who thought that they had previously reached the maximum floorspace threshold for Class Q development, or potentially those whose applications have previously been refused.

#### *Changes to Permitted Development Order*

The key amendments to Class Q include:

No more than 5 *separate dwellings* can be developed under this Class. (Previously limited to 3)

Subject to the above overall limit of 5, up to 3 can be “larger dwellings” (each with a floor space of more than 100m<sup>2</sup>). However, no more than 465m<sup>2</sup> of floor space can change use to “larger dwellings” under this Class.

Subject to the above overall limit of 5, up to 5 can be “smaller dwellings” (each with a floor space of no more than 100m<sup>2</sup>).

Whilst the floorspace increase of 450m<sup>2</sup> to 465m<sup>2</sup> is relatively modest, the increase from 3-5 dwellings is more significant.

Of greatest interest however is that the 465m<sup>2</sup> limit only seems to relate to larger dwellings. Smaller dwellings are only limited by the overall restriction of 5 dwellings in total (i.e. not by floorspace). Therefore it is possible for a landowner who has previously converted 1 barn into a larger dwelling (upto the previous maximum of 450m<sup>2</sup>) to now convert another barn to a maximum of 4 smaller dwellings (each of no more than 100 m<sup>2</sup>). Also it is now possible to convert buildings using a combination of ‘larger’ and ‘smaller’ dwellings to allow the conversion of more floorspace in excess of 465 m<sup>2</sup>. In theory it is our initial view that it is possible to convert upto 865 m<sup>2</sup> of floorspace, including 1 larger dwelling of 465 m<sup>2</sup> and then 4 smaller dwellings each of 100 m<sup>2</sup>.

This will clearly result in the development of a greater number of smaller dwellings through Class Q.

In addition to this the amendments have also clarified that applications under Parts A and B of Class Q now have to be made together.

#### **Updated Guidance**

In February 2018, the Government made changes to the National Planning Practice Guidance to clarify once again what works can be carried out under Class Q

Of greatest significance is the guidance relating to structural and internal works. Buildings must still be capable of functioning as a dwelling and places a judgement call as to whether what is being proposed is a ‘rebuild’ or a ‘conversion’ on the decision maker. However the updated Guidance is clear in the final paragraph that ‘internal structural works’ can be carried out under Class Q. This includes mezzanines, floor slabs, internal walls etc. Some of the key



omissions from the previous guidance are the removal of the existing building being “structurally strong enough” and “not the intention of the permitted development right to include the construction of new structural elements for the building”.

This guidance helps to clarify that structural integrity is no longer a significant issue in these cases given that internal structural works don’t constitute development. The key test will remain whether the works are a ‘rebuild’ or a ‘conversion’ and this will still be open to interpretation. It certainly does not seem the intention of the Government to permit the conversion of ‘skeletal’ buildings, but similarly the regulations do still permit some significant building work.

### **Conclusion**

The changes to both legislation and guidance are significant and will undoubtedly result in an increase in applications under Class Q.

Whilst there is still some room for interpretation when it comes to what works can be carried out under Class Q, the clarification relating to internal structural works are positive and the amendments to thresholds and dwelling numbers will increase the number of dwellings permitted under Class Q – particularly smaller homes.

## **SUMMARY COMPLIANCE**

CLASS Q. *Development consisting of—*

(a) *a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or*

(b) *development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

***We propose 1 no. dwelling in total created from converting the existing agricultural buildings to a dwellinghouse.***

Development not permitted

Q.1 Development is not permitted by Class Q if—

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

***We propose 1 larger dwellinghouse. This is less than the maximum of 3 allowed.***

***We proposes a conversion less than the 465m2 listed above.***

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

***No smaller dwellinghouses are proposed.***

(d)the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i)a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii)the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

***No previous class Q conversions have taken place on the agricultural unit. The larger dwelling house floor area is below the 465m2 allowed 1 unit is proposed which is less than the 5 allowed.***

(e)the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

***The farmer owns the site outright as a freehold and tends the land themselves.***

(f)less than 1 year before the date development begins—

(i)an agricultural tenancy over the site has been terminated, and

(ii)the termination was for the purpose of carrying out development under Class Q,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

***The farmer owns the site outright as a freehold and tends the land themselves.***

(g)development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i)since 20th March 2013; or

(ii)where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

***No development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out***

(h)the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;”;

***The external dimensions remain unchanged. The buildings are not extended in any way as part of these proposals. All works are internal and contained within the existing footprint.***

(j)the site is on article 2(3) land;

***The site is not on article 2(3) land***

(k)the site is, or forms part of—

(i)a site of special scientific interest;

(ii)a safety hazard area;

(iii)a military explosives storage area;

***The site does not form part of any of the above***

(l)the site is, or contains, a scheduled monument; or

***The site is not, nor does it contain a scheduled monument***

(m)the building is a listed building.

***The building is not a listed building***

Conditions

**Q.2**—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a)transport and highways impacts of the development,

(b)noise impacts of the development,

(c)contamination risks on the site,

(d)flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and  
(f) the design or external appearance of the building,  
and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

***The owner intends to commence conversion immediately upon confirmation of permitted development by the LPA***

**Q.3.** For the purposes of Class Q—

“larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

***We propose 1 of these between 100 and 465m<sup>2</sup>. Thus this complies with the above***

“smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.”.

***We do not propose any smaller dwellings. Thus this complies with the above***

## **CONCLUSION**

**Thus in summary**

- **We propose 1 no dwelling, below the 5 maximum.**
- **A straightforward conversion confined to the existing envelope of the building**
- **The unit is within the 465m<sup>2</sup> maximum**

**The current legislation interpreted correctly and as confirmed in the numerous legal letters, planning consultants statements and articles above allows for**

- **A maximum of 5 dwellings. Larger dwellings no greater than 465m<sup>2</sup> and smaller dwellings no greater than 100m<sup>2</sup>. As such a landowner (subject to all other compliances with the act) could create 5 dwellings totaling 865m<sup>2</sup> of conversion in total.**

**Our proposals are well within the limits set out within class Q and also comply fully with the above criteria.**

**The site was solely used for an agricultural use as part of an established agricultural holding on 20 March 2013.**

**The curtilage of the dwelling house would not exceed the footprint of the agricultural building.**

**The development would not comprise building operations other than the installation of:**

- **Windows, doors, roof 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.**

**A structural appraisal has been prepared for the proposed development. This appraisal demonstrates that the proposed change of use can be achieved through the retention and localised repair of the existing structure.**

## 7.0 SUMMARY

This is a straightforward proposal that will see the redevelopment of an eyesore site in the countryside, reusing a disused barn within the constraints of class Q legislation.