

NEW PERMITTED DEVELOPMENT RIGHTS – AGRICULTURAL BUILDINGS TO OTHER COMMERCIAL USES (CLASS R)

Under the Town and Country Planning (General Permitted Development) (England) Order 2015, Class R allows for a change of use from an agricultural building and land within its curtilage to 'Flexible Use' falling within various Commercial Use Classes as follows:-

- Class A1 (shops)
- Class A2 (financial and professional services)
- Class A3 (restaurants and cafes)
- Class B1 (business)
- Class B8 (storage or distribution)
- Class C1 (hotels)
- Class D2 (assembly and leisure)

For these permitted developments rights to apply, certain criteria need to be met:-

- The subject building needs to have been solely in agricultural use on the 3rd July 2012 or when it was last in use if now redundant. If erected/brought into use after 3rd July 2012, maintains that

use for a period of ten years. The total cumulative floor space of the building/s which has changed the use under these rights, within one agricultural unit, should not exceed 500m².

- The building/s must not be:-

- i. a listed building or a scheduled monument;
- ii. form part of a safety hazard area;
- iii. form part of a military explosives storage area; or

A site which has changed use under these provisions can subsequently change to another use falling within the classes comprising the 'flexible use'. After a site has changed use it is thereafter treated as having a sui generis use (i.e. no use class).

Development is only permitted subject to submitting details to the Local Planning Authority (LPA) prior to commencement for their approval. A fee will be required for this process.



There are different requirements for buildings not exceeding 150m² and buildings exceeding 150m² as follows:-

Buildings not Exceeding 150m²

For building/s where the cumulative floor space does not exceed 150m², the following details need to be provided:-

- i. the date the site will begin to be used for any of the flexible uses;
- ii. the nature of the use or uses; and
- iii. a plan indicating the site and which building/s have changed use.

Buildings Exceeding 150m²

Where the cumulative floor area exceeds 150m² and does not exceed 500m², the developer needs to apply to the LPA for a determination as to whether prior approval is required in relation to:-

- Transport and highways impacts of the development.
- Noise impacts of the development.
- Contamination risks on the site
- Flood risks on site

Change of use development cannot begin before written confirmation is received from the LPA that either prior approval is or is not required.

In both cases however, development can commence if the LPA exceed the 56 day time limit to make a decision in accordance with the details submitted.

The owner needs to bear in mind that although the use can be changed under these permitted development rights, any physical changes which would alter the appearance of the building are not and therefore a planning application would be required



For more information visit our website www.acorus.co.uk or contact your local Acorus office.

(Please note the above is only a brief summary and landowners are advised to research what applies in their circumstances.)

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