

# 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 B8 (storage or distribution)
- Class C1 (hotels)
- Class E (commercial, business or service)

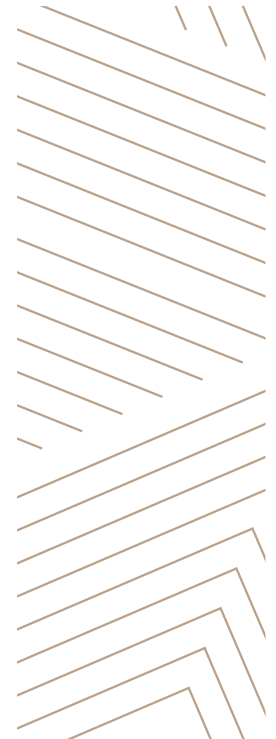
For these permitted development rights to apply, certain criteria need to be met:-

- The subject building needs to have been solely in agricultural use on the 3 July 2012 or when it was last in use if now redundant. If the building is erected/brought into use after 3 July 2012 it must maintain that use for a period of ten years (i.e. the change of use can only occur after 10 years). The total cumulative floor space of the building(s) which are to change use under these rights, within one agricultural unit, cannot exceed 500 m<sup>2</sup>.
- The building(s) cannot 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.

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 specific use class).



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Development is only permitted subject to submitting details to the Local Planning Authority (LPA) prior to commencement for their approval.

There are different requirements for buildings less than 150m<sup>2</sup> and buildings exceeding 150m<sup>2</sup>.

### **Buildings less than 150m<sup>2</sup>**

For buildings where the cumulative floor space does not exceed 150m<sup>2</sup> 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.

Following the submission of this information to the LPA no further action is needed and no formal response is required from the LPA.

### **Buildings exceeding 150m<sup>2</sup>**

Where the cumulative floor area exceeds 150m<sup>2</sup> and does not exceed 500m<sup>2</sup>, 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.

The change of use ordinarily cannot begin before written confirmation is received from the LPA that prior approval is or is not required. However, if the LPA fail to respond within the 56 day time limit the development can proceed (albeit the 56 day determination period can be extended if both parties agree).

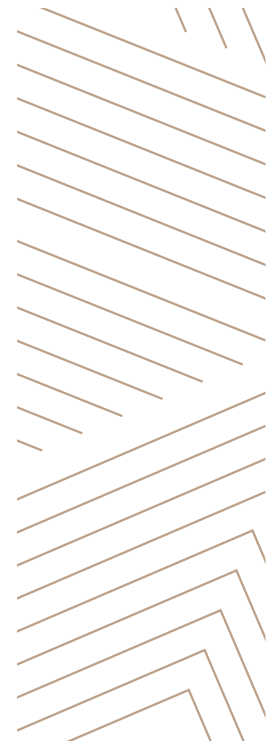
The applicant needs to bear in mind that although the use of the building can be changed under these permitted development rights any physical changes which would alter the appearance of the building are not. Therefore, once the change of use of the building has been secured by the Prior Approval application, a planning application is required in respect of any building operations.

The above is only a brief summary of the Prior Approval procedure and landowners are advised to research what applies in their circumstances.

For more information on Permitted Development Rights, [contact](#) Acorus.



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Updated December 2021