



GUIDANCE NOTE TO APPLICANTS

<p style="text-align: center;">CONVERSION OF AGRICULTURAL BUILDINGS TO DWELLINGS UNDER PERMITTED DEVELOPMENT PART 3, CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended).</p>

Regulations have been introduced which allow for agricultural buildings to be converted into dwellings without the need for full planning permission subject to specified procedures being completed and subject to certain limiting provisions. Part of those provisions requires going through a prior notification procedure where details are submitted to the Council.

Proposals need to satisfy a number of criteria:-

The legislation **DOES NOT ALLOW** the following:

- Conversion of buildings within Areas of Outstanding Natural Beauty (AONB), National Parks and Conservation Areas.
- Conversion of buildings 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 building (including parking/turning areas) to be any bigger than the footprint of the building itself.
- Conversion of buildings on an agricultural unit where a new agricultural building has been put up on the unit under the 28 day prior notification procedure (under Part 6, Class A(a)/Class B(a)) since March 2013.

If any of the above applies to your building then full planning permission will be required. You may wish to seek formal pre-application advice from Mid Devon.

QUALIFYING BUILDINGS UNDER CLASS Q AND LIMITATIONS

To meet the provisions of Class Q buildings will need to have been used for agriculture on the 20th March 2013, or last used for agriculture before that date if unused on 20th March 2013.

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.
- Use of up to 450 square metres of existing floor space on an agricultural unit.

- The resulting floorspace of the dwellings in total can be no more than 450 square metres (measured over each floor to the interior face of the external walls).
- 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.

TYPES OF BUILDING FOR CONVERSION AND THE EXTENT OF WORKS

It is important to note that the procedure relates to 'CONVERSIONS' to enable the change of use of an existing building to a dwelling. The regulations do however allow for operational development such as the building of walls and replacement of roofs 'TO THE EXTENT REASONABLY NECESSARY FOR THE BUILDING TO FUNCTION AS A DWELLINGHOUSE'.

The regulations do not allow for additional works over and above those listed in the preceding paragraphs and appeal inspectors have found that amongst other things, the provision of new foundations, loadbearing floor slabs and in some cases, first floors, not to be permitted development as they are works which are not stated as being permitted.

The Government's Planning Practice Guidance states:

*'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 (subject to other criteria also being met).*

It is important to remember CLASS Q relates to the CONVERSION OF EXISTING AGRICULTURAL BUILDINGS and not removal and reconstruction or demolition and rebuilding. Any proposal must therefore incorporate substantial parts of the original structure.

The Council can ask for information to be submitted to demonstrate that the building works required to convert the building are reasonably necessary and do not involve new structural elements for the building. This would normally be through the submission of a structural appraisal of the building by a suitably qualified engineer/designer.

What is a structural appraisal?

A structural appraisal is undertaken to check the adequacy of an existing structure with respect to a current or future use.

Often the scope of these activities may extend to making a prognosis of future behaviour and safety.

Structural appraisal is therefore a process of gathering and evaluating information about the form and current condition of a structure and its components, its service environment and general circumstances, so that its adequacy for future service can be established against specified performance requirements, such as loadings, actions, or durability.

The art and processes of appraising an existing structure are different from those associated with designing a new building, where the flow of forces follows the choice of structural form and materials, and the procedures for structural analysis follow on. In design, the engineer can decide on appropriate means for satisfying issues of structural stability, load capacity, and serviceability.

In appraisal, the engineer has to deal with an existing building or structure in which aspects of the structural form and the characteristics of the materials are established, but are generally much less well known. Although, notionally, these are definable qualities, depending upon the amount spent on the task, the appraising engineer must determine the condition of the existing building or structure and form an opinion on its suitability for future use in the envisaged circumstances.

What is required of a structural appraisal?

The buildings being considered under class Q for residential use vary widely in construction, materials and condition. Each building should be assessed individually on a case by case basis. It is recommended that any structural appraisal is based on the guidance set out in the BRE Digest 366 Part 2: (Structural appraisal of existing buildings, including for a Material change of use). The appraising engineer must determine the condition of the existing building or structure and provide a written report on its suitability for future use as a dwelling without the addition of new structural elements to the building'

1. The structural appraisal should clearly identify retained structural elements and if they are sufficient for future residential use.
2. The appraisal should clearly and specifically answer the question of whether any new structural elements are required for the scheme proposed and if so, identify them.

If a structural appraisal is deemed necessary but is not provided or shows that new structural elements would be required then an application may be refused.

HOW TO APPLY

An application for prior notification must be submitted before any works of conversion are carried out. This must be submitted to Mid Devon's Planning Department.

There are TWO SEPARATE PARTS TO THE PROCESS, each containing separate considerations.

CLASS Q(a) considers the principle of the change of the use of the building and assesses the following:

- transport and highway impacts
- noise impacts
- contamination risk
- flood risk
- whether the location or siting of the building makes it otherwise impractical or undesirable to be a dwelling,

The provisions of National Planning Policy Framework as a guide.

CLASS Q(b) considers the following:

- details of the building operations necessary to convert the building and;
- design and external appearance.

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

Route 1: The first route is an application for prior notification ONLY for the change of use of the building under Class Q(a). You can only make an application under Q(a) if NO building operations are required for the building to change use to a dwelling.

Route 2: The second route is a detailed prior notification application which seeks the agreement of the principle of development through the change of use AND the detailed design and external appearance of the finished conversion (Class Q (a) and (b)). This application type MUST be used if ANY building operations are necessary to enable the building to be used as a dwelling.

What you will need to submit

CLASS Q(a) to be considered:

1. A completed application form
2. A plan indicating the site and showing the proposed development (including any garden, parking, turning and access arrangements). You may need to provide more than one plan to clearly (i) show the location of the building, ideally to a scale of 1:1250, and (ii) the extent of the building, garden, parking, turning and access arrangements, ideally to a scale of 1:500. OUTLINE THE PROPOSED DEVELOPMENT IN RED.
3. If within Flood Zone 2 or 3 a site-specific flood risk assessment

Class Q (a) & (b) to be considered:

1. Points 1 – 3 of the requirements of Class Q (a) above.
2. A written statement detailing the extent of any demolition and building works required to convert the building to a dwellinghouse.
3. Drawings or photographs of all existing elevations.
4. Drawings of proposed elevations.
5. Drawings of existing and proposed floor plans.
6. A £172.00 fee

All drawings and plans should be to a metric scale, normally 1:50 or 1:100.

Application fees

Class Q(a) - £80.00

Class Q(a) & (b) - £172.00

Additional Information

The regulations allow Mid Devon to request further information, which may include:

- Structural appraisals or other reports relating to the building operations proposed
- Assessments of risks or impacts, for example land contamination report
- Statements setting out how impacts or risks are to be mitigated, for example a decontamination strategy

Ecology remains a key factor in the conversion of rural buildings. Although there is no requirement for the submission of a protected species survey and report, the applicant is advised that in carrying out the conversion it will be necessary to comply with the Wildlife and Countryside Act 1991, and the Conservation of Habitats and Species Regulations 2010 and this may necessitate such surveys being carried out and the appropriate licences being obtained from Natural England. If you believe that protected species may be present in your building, it is advisable to commission a protected species survey and report before making your notification application as any mitigation measures may impact on the design and appearance of your development.

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 and details of the date the decision must be made by. The application **will not be valid** until the Council is happy with the level of information provided. If any further information is required to validate the application, a member of our planning support team will be in contact. You may be asked to display a site notice once the notification is valid.

Once registered as valid the notification will be assigned a case officer who will visit the site. The Council have 8 weeks from the date the application is valid in which to consider the proposals against the permitted development criteria in Class Q. You may be asked to provide additional information during this period and this is referred to as “prior approval” being required.

You will receive written notification as to whether approval is given or refused before or on expiration of 8 weeks from when the application was registered as valid. If a decision is not made within this time, and your development complies with the criteria in the regulations, you may proceed with the development. The development when permitted must be completed within 3 years.

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 MB. 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.

PLEASE NOTE:

The legislation also affects how you can use your normal agricultural permitted development rights. 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 or extended agricultural buildings will need full planning permission.

Building Regulations

Please note that this procedure does NOT grant approval under the Building Regulations and separate approval will need to be sought. Due to the nature of these conversions it is strongly advised that you consult with your local Building Regulation Officer at an early stage so as to minimise the risk of not being able to comply with the Building Regulations as well as any approval granted under the Class Q provisions.

For more information or to contact a Building Regulation Officer please go to the Mid Devon District Council website www.middevon.gov.uk/building-control or call 01884 234345.

For further information:

Please contact the Planning Duty Officer, Monday to Friday, 9am to 12 noon on 01884 234260. You may also wish to seek Building Regulations advice from the Building Control Duty Officer, available on a Monday, Tuesday, Thursday and Friday 9am – 11.30am on 01884 234345