

Change of use of agricultural buildings to dwellinghouses - Class Q Prior Notification Guidance Note

Permitted Development Rights in Respect of Agricultural Buildings

Guidance Notes to Applicants/Agents

Given the local planning authority has limited scope for consultation within the time period for determining the Prior Notification Applications (PNA) when assessing applications under Class Q, applicants/agents are encouraged to provide sufficient detail to enable officers to make an informed assessment in accordance with the criteria and conditions identified. In the absence of the necessary information the PNA is likely to be rejected. This process was introduced by Central Government (and amended with effect from 6 April 2018) to increase the supply of housing primarily in rural areas and Cornwall Council recognises the contribution such proposals can make to this objective.

Information that must be submitted in accordance with national validation requirements (please also see 'helpful advice on key issues', below):

- Completed form or a written description of the proposed development which must include any building or other operations.
- A plan indicating the site and the proposed development.
- A statement specifying the net increase in dwellinghouses proposed.
- A statement or form which specifies:
 - (i) the number of smaller dwellinghouses proposed;
 - (ii) the number of larger dwellinghouses proposed;
 - (iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q.
- A floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows and walls and the elevations of the dwellinghouse.
- Contact details for applicant/agent.
- A site-specific flood risk assessment in an area within Flood Zone 2 or Flood Zone 3; or in an area within Flood Zone 1 which has critical drainage problems
- Appropriate [fee](#)

Additional information

Cornwall Council is a Community Infrastructure Levy (CIL) charging authority, therefore a completed CIL Form 5 - Notice of Chargeable Development will also be required prior to commencement.

The following bullet points provide information for applicants/agents submitting proposals under Class Q which may also need to be addressed at the time of submitting the PNA, depending on the circumstances of the case.

- Transport and highways impacts should be considered and plans may need to be submitted demonstrating safe access and egress, where appropriate.

- The impact of noise will need to be addressed – if there are existing uses surrounding the proposal site that have the potential to generate unacceptable impacts, the relevant assessments should be carried out demonstrating how the risks are to be mitigated.
- Contamination risks on the site - where it is suspected the building may be constructed using timber treated with a biocide such as creosote or the proposal site may be within or close to contaminated land, the relevant assessments should be carried out demonstrating how the risks are to be mitigated; including confirmation as to whether or not treated timbers need to be replaced.
- Consideration should be given to uses of other surrounding buildings and whether it is appropriate in terms of residential amenity for these to be retained or extinguished (by condition etc).
- The local planning authority may require a protected species survey as part of the determination. If it is suspected that the building is likely to be a suitable habitat for any European protected species (bats, owls etc), it is recommended that the appropriate survey(s) are carried out ahead of submission. The local planning authority can refuse to grant Class Q approval if insufficient information is provided in this respect.
- The building should be of sound construction and capable of conversion without the need for major re-building. Flimsily clad buildings of metal or timber sheeting may require a level of re-build beyond the scope of acceptability under the provisions of Class Q. See 'Structural integrity' below.
- Extensions or alterations to the height, exterior walls or footprint of an existing building are not permitted development.
- The proposed curtilage should be no larger than the land area occupied by the agricultural building.
- When calculating the floor space of the proposed building(s), account should be taken of first, second or mezzanine floors to provide:
 - up to three larger homes within a maximum of 465sqm (internal calculation – proposed residential floorspace), or,
 - up to five smaller homes each no larger than 100sqm, or,
 - a mix of both, within a total of no more than five homes, of which no more than three may be larger homes.
- With all submissions, the local planning authority will have regard to the National Planning Policy Framework 2019 insofar as it is relevant to the subject matter of the prior approval.

How to make an Application

Applicants/agents are encouraged to submit the Prior Notification electronically via the [Planning Portal](#). If unable to submit electronically, forms are available to download from the Planning Portal [Here](#). Downloaded forms should be emailed to planning@cornwall.gov.uk.

Applicants/agents are also encouraged to contact the planning case officer three weeks after validation to check whether further information is required.

Helpful advice on key issues:

Structural integrity:

- A professional, illustrated report is essential in most cases. It should provide clear information on the amount of work required and be based on robust evidence. The report should confirm through the details provided that the construction method is non-structural and that the scheme represents a conversion rather than a new build. Vague and/or generic reports with limited details of the extent of any repair, rebuilding or strengthening works required are rarely helpful and should be avoided.
- No alterations or additions should normally be undertaken to the primary structure of the building (for the purposes of Class Q, the primary structure is considered to include supporting walls and columns, steel/timber frames, roof trusses/girders and foundations).
- Structural timbers may be treated with creosote or similar which is a biocide health hazard and [HSE REACH](#) advise that such treatments should not exist inside a building. Professional structural reports should indicate whether or not structural elements need to be replaced to comply with HSE REACH regulations.
- If class Q is granted and it subsequently becomes clear that treated structural timbers need replacement, the development may no longer be permitted under class Q and planning permission for the change of use of the building may be required.

Internal structural works:

Revised advice issued by the Housing Ministry on 22 February 2018 states: “Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls”. This revised advice clarifies that these works are not prohibited by Class Q. Cumulative work to facilitate the change of use will however be taken into account in an assessment against Q.1 (i) (reasonably necessary building operations)

External building operations

It is useful if the submitted plans clearly show the elements of the external fabric of the existing building that are to be retained and replaced.

History of agricultural use:

- The onus is on the applicant to provide appropriate evidence to confirm the agricultural use of the building for the purposes of a trade or business on the relevant date. It is recommended that statutory declarations, sworn statements, dated documents etc. are submitted with the PNA to help support the applicant's case should contrary evidence be provided by third parties.
- Short term intervening use(s) may not amount to a material change of use.

Class Q (a) and Class Q (b):

- Class Q(a) can be submitted independently of Class Q(b), although if the proposal requires building operations, the scheme should be progressed together with a Class Q(b) application. The reason being that paragraph W(2)(a) advises in clear terms that the application must be accompanied by a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of Part 3 must include any building or other operations.

Building size:

- It is the existing building that is to be converted.
- Whilst extensions to the external dimensions of the building are not permitted development, minor protrusions such as doorsteps, gutters, flues and window sills are likely to be acceptable.

Curtilage size and practical arrangement:

- Any curtilage to be provided should be no larger than the external footprint of the existing building.
- A curtilage does not need to be provided or be practical in its arrangement.

Listed buildings and curtilage listed building issues:

- Class Q is not applicable where the building to be converted is a listed building (Class Q.1 (m)).
- Class Q is also not applicable to curtilage listed buildings. For more information on this, please copy and paste the following appeal decision (Uttlesford DC, January 2018) into your browser:

<https://acp.planninginspectorate.gov.uk/ViewDocument.aspx?fileid=25241048>

Relevance of the National Planning Policy Framework 2019 (NPPF):

- Sustainability of location is not relevant (but the *suitability* of the location, for example, open moorland or a sensitive coastal slope, is a relevant consideration).
- The NPPF is relevant to the subject matter of the prior approval.

Use conditions on existing buildings:

- Use conditions remain relevant and may remove the Class Q permitted development right (ref: the General Permitted Development Order 2015 - Article 3(4)) .
- A Section 73 application (to carry out planning permission without complying with a previously imposed planning condition) or an application for a Certificate of Lawful Use or Development could be submitted for consideration to be given to the removal of the use condition.

Other uses within existing buildings:

- If agriculture was not the sole use of the building on the relevant date, the Class Q permitted development right is removed.
- Precise and unambiguous evidence of the use is required.
- The onus of proof is on the applicant.

Completion of development:

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 (Class Q.2 (3)).

Class Q and Part 6 Agricultural and Forestry Development:

In accordance with Part 6, Class A.1(b) of the General Permitted Development Order 2015, no agricultural building may be erected or extended on an established agricultural unit within ten years of the completion of Class Q development on that unit.

Prior Notification v Planning Application:

It is acknowledged that, in certain cases, an application for planning permission may result in a better scheme in terms of building design and amenity provision than Class Q criteria would allow. In such circumstances, the Council may view a previous approval under Class Q as a material planning consideration/fallback position when considering a subsequent planning/pre-application to change

the use of an agricultural building to a dwelling with alterations and extensions or complete rebuilds, although the weight to be given will depend on the circumstances in each case. For the avoidance of doubt, the argument that an approval under Class Q would have been given will not suffice.

(amended/updated: April 2021)