



PLANNING
INSIGHT



CLASS R – AGRICULTURAL BUILDINGS TO COMMERCIAL USES 2021

INTRO.

Class R was introduced via the Town and Country Planning (General Permitted Development) Order 2015. The regulations came into force in April 2015.

Class R allows the conversion of agricultural buildings to commercial uses subject to certain conditions and limitations.

This guidance will explain how existing agricultural buildings qualify for Class R, the limitations and scope of the permitted development right and the process for obtaining consent from the local planning authority.

The guidance will also provide information on strategies to make best use of the permitted development right and highlight relevant points to consider when seeking to convert an agricultural building.

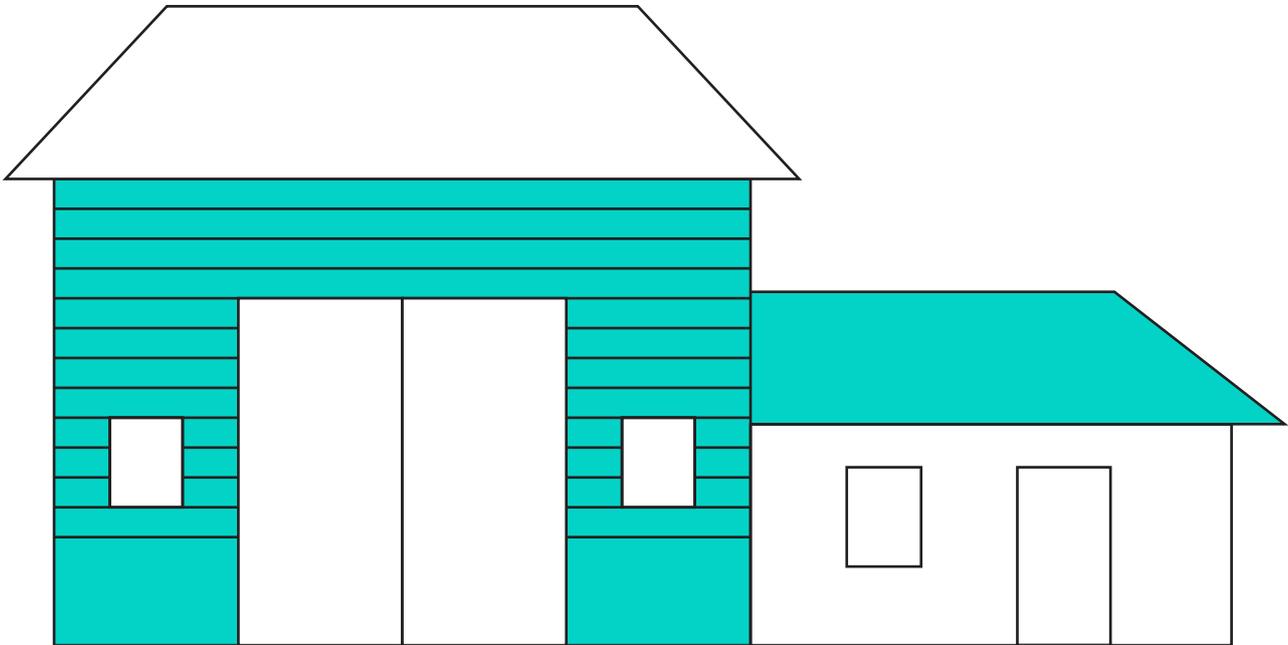
The legislation has been translated from legalese into plain English with illustrations to show how the guidance can be applied in practice.

This guidance should be read alongside the following legislation:

www.legislation.gov.uk



CLASS R – AGRICULTURAL BUILDINGS TO COMMERCIAL BUILDINGS



CLASS R - AGRICULTURAL BUILDINGS TO COMMERCIAL BUILDINGS.

The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class R allows agricultural buildings to commercial building.

Class R allows -

Development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafés), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

Class R allows a change of use to any of the uses listed above. An important distinction between Class R and Class Q is that Class R only allows a change of use, not operational development.

As you will see in this section, Class R is significantly less restricted than Class Q (agricultural buildings to dwellinghouses).

CLASS R – QUALIFYING BUILDINGS AND LAND DESIGNATIONS.

Again, the principal qualifying criteria is that the building was used for agriculture as part of an established agricultural units on the relevant date, for Class R this is 3 July 2012. For a building not in use on that date, for a period of 10 years before the development under Class R begins.

The same principles apply to Class R with regards to what constitutes an established agricultural unit.

In terms of other land designations, Class R is not allowed where:



Military zones

The site is, or forms part of, a military explosives storage area.



Dangerous sites

The site is, or forms part of, a safety hazard area.



Statues / monuments

The building is a listed building or a scheduled monument.

This does however mean that Class R can be pursued within:



Areas of outstanding natural beauty

Land protected to conserve and enhance its landscape beauty.



Conservation areas

Protection of special architectural and historic interest of a place.



National parks

Park in use for conservation purposes, created and protected by national governments.



Sites of specific scientific interest

Areas of land and water that we consider best represent our natural heritage.



Green belt

A ring of countryside where urbanisation will be resisted.

CLASS R – FLOOR AREA.

Class R allows a change of use up to 500 square meters in an agricultural unit.

These are the only qualifying stipulations for Class R. Buildings which change use under Class R are subject to a number of conditions which will be explained on the following pages.

CLASS R – CONDITIONS.

Development approved via Class R is subject to the following conditions:

- (a) a site which has changed use under Class R may subsequently change use to another use falling within one of the use classes comprising the flexible use.

The above condition ensures that the building will, in effect, be a flexible commercial use and can change to any of the uses allowed by Class R.

- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;

Once the Class R is implemented, the building has a sui generis use (i.e. no use class). Therefore, subsequent changes of use will require planning permission.

- (c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications –

i) “curtilage” has the meaning given in paragraph X (interpretation) of this Part;

ii) any reference to “office building” is to be read as a reference to the building which has changed use under Class R.

Class G Part 7 relates to Development consisting of the provision of a hard surface within the curtilage of an office building to be used for the purpose of the office concerned; or the replacement in whole or in part of such a surface.

In effect this means that a hard-surfaced area is allowed within the curtilage of the building.

CLASS R – CONDITIONS FOR NOTIFYING THE LOCAL AUTHORITY AND FOR PRIOR APPROVAL.

For Agricultural Buildings under 150 square metres, no Prior Approval is required from the local authority.

The following information should be provided to the local authority:

- 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 buildings have changed use.

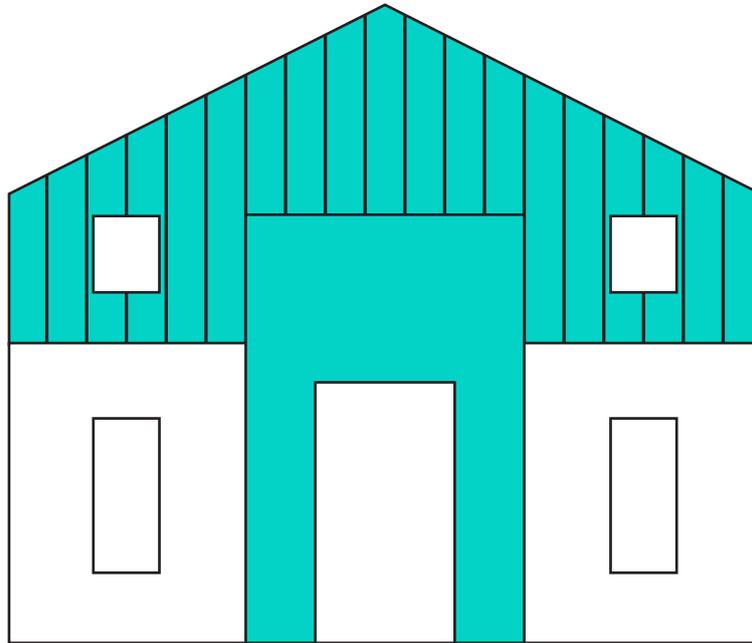
For Agricultural Buildings over 150 square metres, Prior Approval is required from the local authority. Prior Approval is required for the following matters:

- i) transport and highways impacts of the development
- ii) noise impacts of the development
- iii) contamination risks on the site; and
- iv) flooding risks on the site.

The same considerations as those described under Class Q apply. It is a 56-day application process.

Permission granted under Class R must begin within 3 years of the grant of Prior Approval, or where an application is granted for associated operational development, 3 years from the date of planning permission is granted.

Associated operational development means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.



CLASS R – SUBSEQUENT APPLICATION FOR OPERATIONAL DEVELOPMENT.

As mentioned previously, Class R grants consent for a change of use. Unlike Class Q, it does not grant consent for operational development to convert the building.

In most cases, a subsequent application for operational development will be required to convert the building for the commercial use granted by Class R.

Any application will be a full application and considered against the local authority's adopted policies. The local authority cannot dispute the use of the building as this has already been granted by Class R, therefore, highways impacts arising from the use cannot be reasons for refusal.

The subsequent full application will mainly be focussed on matters of design. With any agricultural conversion, the design should be in keeping with the rural character.

Many local planning authorities will have design guides for rural areas and buildings.



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