

Class Q rights: What are the laws and limitations?

It's important to get to grips with Class Q development rights, says **Hugh Townsend**



CLASS Q is governed primarily by Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This use Class allows the conversion of agricultural buildings to residential dwellings with some limitations. The limitations, amendments and case law surrounding Class Q are varied and sometimes quite complex.

Class Q rights allow for:

a) Up to three homes, each to be larger than 100m² and within an overall floor space of 465m²; or

b) Up to five homes, each to be smaller than 100m²; or

c) Up to five homes comprising a mixture of larger and smaller homes with neither exceeding the threshold for each type of home. This means that you can have up to five mixed homes, neither exceeding a) and b) to give a max floor area of 865m² so i.e. 1 x 465m² and 4 x 100 m².

There are certain limitations as to what agricultural buildings can be converted for residential use. Class Q cannot be used if works have been carried out to erect, extend or alter a building for the purpose of agricultural use under the existing agricultural development rights on an established agricultural unit since March 20, 2013 or within 10 years before exercising the Class Q right, whichever is the lesser.

The site must also only have been used for agriculture as part of an established agricultural unit on March 20, 2013 or if it was not in use on that date when it was last in use. If the site was brought into use after March 20, 2013 or it is a new agricultural building, it must have been used solely for agriculture as part of an agricultural unit for 10 years before a Class Q development can begin.

If the site is occupied under an agricultural tenancy then both the landlord and the tenant must provide consent for the development.

There are two parts to a Class Q



> Class Q legislation relates to the conversion of agricultural buildings to residential dwellings

planning permission, Class Q (a) which is for a change of use and Class Q (b) for a change of use together with reasonably necessary building operations. The building must be a suitable conversion and it is not the intention of the development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. The building must therefore already be suitable for conversion to residential use. Internal works are not normally classed as development and therefore inserting a second or mezzanine floor into a building can

be considered as part of the Class Q planning permission.

The recent case of Warren Farm (Wokingham) Limited, v Wokingham Borough Council 2019 EWH 2007 (Admin), confirmed that the 56-day notice period, for submission of a Class Q application from validation, is the time frame in which a council must make its determination if they wish to refuse a Class Q planning application. There is no allowance for an extension to this time limit as it is a prior approval application.

Construction must be completed within three years.

Although the above gives a brief overview as to how Class Q planning approval can work and some different quirks involved, each county has their own way of interpreting the rules and their own history with regards to planning applications within their area and therefore it is advisable to seek professional advice before submitting a Class Q planning application.

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