

PLANNING RULES RELAXED ON BARN CONVERSIONS CHANGE OF USE OF AGRICULTURAL BUILDINGS TO RESIDENTIAL USE IN ENGLAND

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 – comes into force 6th April 2014.

The Order allows for the change of use of agricultural buildings to residential units under permitted development (PD) rights.

- A maximum of 450m² can be developed into 1, 2 or 3 residential units.
- The footprint of the development must be within the original footprint of the agricultural building.
- 'Partial demolition' is allowed, as is the installation/ replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas and other services.
- Prior approval may be needed for transport and highways, noise, contaminated land, flood risks and for the design, location and siting of the building.

The new PD rights do not apply to/ in the following:

- Listed buildings
- National Parks, AONBs, Conservation Areas, World Heritage Sites, The Broads
- Scheduled monuments
- SSSIs
- Safety hazard areas/ military explosives storage areas

Points to consider:

- The site/ building *must* have been used for agricultural purposes on the 20th March 2013 – the PD right does *not* apply to buildings not used for agriculture.
- The ability to use the new PD right is lost if the existing PD rights have been used to erect or extend a farm building since 20th March 2013.
- If the new PD rights are used to convert a farm building into a residential unit(s) then the existing PD rights to erect new farm buildings will be lost for 10 years.
- Tenants consent is required if farm buildings are let.
- Councils need to approve details of scheme and may be reluctant in some areas in terms of it being "impractical or undesirable".
- An application needs to consider a possible appeal if a council refuses it.

For further information or advice regarding the new permitted development rights, please contact Stephenson and Son.