



Report to Planning Committee 6 June 2024

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Report Summary	
Report Title	Permitted Development Rights: Implementation of Various Amendments to Existing Classes under Schedule 2 - Part 3, (Class MA, Class Q, Class R: Part 6, Classes A and B)
Purpose of Report	To set before Planning Committee the latest permitted development right.
Recommendations	The contents of the report and the permitted development right changes to be noted.

1.0 Background

1.1 On 24 July 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on six proposals concerning amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended. They are:

- a) Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- b) Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- c) Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- d) Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- e) Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- f) The application of local design codes to certain permitted development rights.

1.2 A paper was presented to Planning Committee on 7 September 2023 setting out the Council's response to this consultation. The Government has issued, on the 13th February, coming into force on the 5th March, a new Statutory Instrument 2024 No. 141 ([The Town and Country Planning \(General Permitted Development etc.\) \(England\)](#))

[\(Amendment\) Order 2024](#)) setting out permitted development rights relating to a) above.

- 1.3 It has also issued, on the 30th April 2024, coming into force on the 21st May 2024, a further Statutory Instrument 2024 No. 579 [The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2024](#) setting out permitted development rights relating to b) above.

2.0 Detail

Commercial, Business and Service Uses to Dwellinghouses

- 2.1 Schedule 2, Part 3, Class MA, under the above Order has had two paragraphs removed. They are
- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval; and
 - (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres.
- 2.2 These changes will provide a lot more flexibility for those wishing to exercise this permitted development right. All other requirements and conditions still apply, along with the requirement for anyone wishing to benefit from this Class of permitted development right to seek confirmation as to whether prior approval is required on - transport impacts, contamination risks, flooding risks, impacts of noise and, if the building is within a conservation area (CA), and the change of use applies to the ground floor, the impact on the change of use on the character or sustainability of the CA.

Buildings on Agricultural Units and Former Agricultural Buildings to Dwellinghouses (Class Q)

- 2.3 There are a number of changes permitted under this Class:
- (a) removal of the requirement for an agricultural building, part of an established agricultural unit to have been used solely for an agricultural use in order to carry out permitted development under Class Q,
 - (b) allows the change of use to a dwellinghouse, together with works to facilitate the change of use and the erection of an extension, of buildings that have not been used for any non-agricultural purpose since ceasing to be part of an established agricultural unit,
 - (c) replaces the separate floor space limits on larger and smaller dwellinghouses with a single floor space limit applying to all dwellinghouses of up to 150m²,
 - (d) increases the cumulative floor space that may be developed of up to 1000m²,
 - (e) increases the cumulative number of separate dwellinghouses that may be developed to 10,
 - (f) allows a small increase in the external dimensions of an existing building to accommodate permitted building operations,
 - (g) allows a single-storey rear extension of a building as part of the change of use to a dwellinghouse subject to a number of criteria including being single storey and not extending from the rear wall by more than 4 metres,

(h) provides that only buildings of a pre-development size that is capable of complying with the nationally described space standard may be converted to dwellinghouses and extended (the national space standards are set out within the GPDO for developments that are permitted), and

(i) prohibits a building without an existing suitable access to a public highway from being developed.

Change of Use from Agricultural Buildings to a Flexible Commercial Use

2.4 This Class expands the range of commercial purposes for which agricultural buildings and land within their curtilage may be used. It also increases the cumulative floor space of buildings that may change use under Class R. The previous permitted changes comprised Class B8 (storage or distribution), Class C1 (hotels) or Class E (commercial, business, business or service).

2.5 In addition to these, the following have been added B2 (general industrial), Class F.2(c) (outdoor sport or recreation) and for the provision of agricultural training.

Agricultural Development on Units of 5 hectares or More (Class A) and Less than 5 hectares (Class B)

2.6 The amendments prohibit the development of a scheduled monument. The size of buildings permitted has been increased and permits the ground area that may be covered by any building erected under Class A by up to 1000m² or any building that is extended would exceed 1,500m².

2.7 Class B also prohibits the development of a scheduled monument. It allows an increased cubic content by no more than 25% and ground area of an extension to an agricultural building by up to 1,250m².

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

[Additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification](#)

[The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2024](#)

[The Town and Country Planning \(General Permitted Development etc.\) \(England\) \(Amendment\) Order 2024](#)