Benchmark Development Planning Ltd
Chartered Town Planners & Development Advisers

CLASS Q CONSIDERATIONS Rev A (September 2022)

TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)

SI 2015 No. 596

AMENDMENT SI 2018 NO. 343 (shown in *italics* below)

"Class Q – agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

(a) **a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; ~~and~~ *or***

(b) ***development referred to in paragraph (a) together with*** **building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.**

Q.1	**Development not permitted** Development is not permitted by Class Q if—	**Benchmark reply 01/09/22**
Q.1(a)	the site was not used solely for an agricultural use as part of an established agricultural unit— (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;	The 227 sqm barn and the 224 sqm curtilage (see plan BEN Q0012) was used solely for an agricultural use as part of an established agricultural unit: (1) Yes – see Statutory Declarations of Mrs Mary Blandford, Nicola Johnson and Anita Odor whose family own the farm (2) N/a (3) N/a ✓ **The application accords with Q.1(a)**
Q.1.(b)	*in the case of—* *(i) a larger dwellinghouse, within an established agricultural unit—* *(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or* *(bb) the cumulative floor space of the existing building or buildings*	✓ Only one larger house is proposed ✓ The cumulative

	changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;	floorspace does not exceed 465 sqm ✓ **The application accords with Q.1(b)**
Q.1.(c)	*in the case of—* *(i) a smaller dwellinghouse, within an established agricultural unit—* *(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or* *(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;*	✓ This is not relevant ✓ **The application accords with Q.1(c)**
Q.1.(d)	*the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—* *(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;* *(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;*	✓ There has been no previous development under class Q of this established agricultural unit ✓ Accord – the proposed total floorspace is less than 465 sqm ✓ Accord – only one converted barn to house ✓ **The application accords with Q.1(d)**
Q.1.(e)	*the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*	✓ This is not relevant ✓ **The application accords with Q.1(e)**
Q.1.(f)	*less than 1 year before the date development begins—* *(i) an agricultural tenancy over the site has been terminated, and* *(ii) the termination was for the purpose of carrying out development under Class Q,* *unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;*	✓ This is not relevant ✓ **The application accords with Q.1(f)**

Q.1.(g)	*development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—* *(i) since 20th March 2013; or* *(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;*	✓ This is not relevant – no part A or B 'barn building' etc has been carried. ✓ **The application accords with Q.1(g)**
Q.1.(h)	*the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;";*	✓ This is not relevant . ✓ **The application accords with Q.1(h)**
Q.1.(i)	the development under Class Q(b) would consist of building operations other than— (i) the installation or replacement of— (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);	See existing and proposed plans and elevations that demonstrate that the conversion will only require new windows and doors, there is already electricity and water is very nearby (c. 5m) The lean to is proposed to be removed, as allowed under Class Q. ✓ **The application accords with Q.1(i)**
Q.1(j)	the site is on article 2(3) land;	The site is not within a Conservation Area, AONB, other area specified by the SoS, Broads, National Park or World Heritage Site. ✓ **The application accords with Q.1(j)**
Q.1(k)	the site is, or forms part of— (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area;	This does not apply to this site. ✓ **The application accords with Q.1(k)**
Q.1(L)	the site is, or contains, a scheduled monument; or	This does not apply to this site. ✓ **The application accords with Q.1(L)**

Q.1(m)	the building is a listed building.	This does not apply to this site. ✓ **The application accords with Q.1(m)**
	Conditions	
Q.2(1)	Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—	We are complying with this, by submitting today the application for Class Q. ✓ **The application accords with Q.2(1)**
(a)	transport and highways impacts of the development,	It is very likely that all aspects of the existing access on to the adopted highway (known as "White Hill") is acceptable. ✓ **The application is very likely to accord with Q.2(1)(a) – subject to the comments / confirmation of Wiltshire Council's Highway Dept. NB There was NO HIGHWAYS objection to the first Class Q application in May – August 2022.**
(b)	noise impacts of the development,	It is very likely that all aspects of the existing and proposed noise environment are is acceptable. ✓ **The application is very likely to accord with Q.2(1)(b) – subject to the comments / confirmation of Wiltshire Council's Public Protection Dept.**
(c)	contamination risks on the site,	It is very likely that all aspects of the existing absence of contamination means the site is acceptable. ✓ **The application is very likely to accord with Q.2(1)(c) – subject to the comments / confirmation of Wiltshire Council's Public Protection / Drainage Depts etc.**

(d)	flooding risks on the site,	It is very likely that all site is very high and dry above any flood risk, as it is on high well draining land – see extract from EA maps – at Appendix A is acceptable. ✓ **The application is very likely to accord with Q.2(1)(d) – subject to the comments / confirmation of Wiltshire Council's Drainage and EA.**
(e)	whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and	There are no reasons why the barn conversion would be impractical or undesirable. ✓ **The application is very likely to accord with Q.2(1)(e)**
(f)	the design or external appearance of the building,	There are no reasons why the barn conversion would present an unacceptable design or external appearance – as the rustic barn character will be retained. ✓ **The application is very likely to accord with Q.2(1)(f)**
	and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.	✓ **There are no reasons why the barn conversion would present an unacceptable in terms of paragraph W – as we now demonstrate.**
(2)	Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.	✓ **Noted – we comply**
(3)	Development under Class Q is permitted subject to the condition that 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.	✓ **Noted – we comply. The intention is to start conversion straight away – to help meet local housing need – and**

		complete easily within 12 months, never mind 3 years.
Q.3	*For the purposes of Class Q—* *"larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;* *"smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.".*	✓ Noted ✓ Noted – not relevant

	Procedure for applications for prior approval under Part 3 **W.**— (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.	✓ Noted.
	(2) The application must be accompanied by— (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations;	✓ A written description of the development is being submitted with this application for Class Q approval on the form, in this statement and on the architectural plans and other supporting photographs etc.
W.(2)(bb)	*in relation to development proposed under Class Q of this Part, a statement specifying—* *(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;".*	✓ Yes - we have done that – see above.
	(b) a plan indicating the site and showing the proposed development; (c) the developer's contact address; (d) the developer's email address if the developer is content to receive communications electronically; and (e) where sub-paragraph (6) requires the Environment Agency(**a**) to be consulted, a site-specific flood risk assessment, together with any fee required to be paid.	✓ Yes, all details are submitted to comply with (b) to (e) - nb this is not a flood risk area and so a specific flood risk assessment is not needed, under (e).
	(3) The local planning authority may refuse an application where, in the opinion of the authority— (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,	✓ Noted, we consider that sufficient information has been submitted and the application complies with 'paragraph w' and Class Q.

	any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.	
	4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.	✓ Noted.
	5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—	✓ We do not consider there is any likelihood there will be a material increase in traffic or a material change in the character of traffic, based on the existing and lawful use of the premises as an agricultural barn.
	(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;	✓ Not relevant. Not a trunk road.
	(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and	✓ Noted. For Wiltshire Council's Highways.
	(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.	✓ Not relevant.
	(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency(b) where the development is—	✓ Flooding is not an issue. But, noted.
	(a) in an area within Flood Zone 2 or Flood Zone 3; or	✓ N/A
	(b) in an area within Flood Zone 1 which has critical drainage problems, and	✓ Yes. The barn is in Flood Zone 1 – so Wiltshire

	which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.	Council could consult the EA, albeit there is no evidence or known "critical drainage problems" whatsoever, at this site.
	(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).	✓ A Matter for Wiltshire Council to observe.
	(8) The local planning authority must give notice of the proposed development— (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—	✓ A Matter for Wiltshire Council to observe.
	(i) describes the proposed development; (ii) provides the address of the proposed development; (iii) specifies the date by which representations are to be received by the local planning authority; or (b) by serving a notice in that form on any adjoining owner or occupier.	✓ Matters for Wiltshire Council to observe.
	(9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include— (a) assessments of impacts or risks;	✓ This statement deals with all the relevant matters – systematically – raised by Class Q and paragraph w.
	(b) statements setting out how impacts or risks are to be mitigated; or	✓ Ditto.
	(c) details of proposed building or other operations.	✓ No proposed building or other operational work is proposed.
	(10) The local planning authority must, when determining an application— (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8); (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(**a**) [NPPF (2) July 2018], so far as relevant to the subject	✓ These are matters for Wiltshire Council to note.

	matter of the prior approval, as if the application were a planning application; and (c) in relation to the contamination risks on the site—	
	(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(**b**), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(**c**), and (ii) if they determine that the site will be contaminated land, refuse to give prior approval.	✓ These are matters for Wiltshire Council to note.
	(11) The development must not begin before the occurrence of one of the following— (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.	✓ Agreed. ✓ Agreed. ✓ Agreed.
	(12) The development must be carried out— (a) where prior approval is required, in accordance with the details approved by the local planning authority; (b) where prior approval is not required, or where sub-paragraph (11) (c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.	✓ Agreed. ✓ Agreed. ✓ Agreed.
	(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.	Noted.

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