
STATUTORY INSTRUMENTS

2024 No. 579

TOWN AND COUNTRY PLANNING, ENGLAND

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

<i>Made</i>	- - - -	<i>at 12.10 p.m. on 30th April 2024</i>
<i>Laid before Parliament</i>		<i>at 4.30 p.m. on 30th April 2024</i>
<i>Coming into force</i>	- -	<i>21st May 2024</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 59, 60, 61, 74, 108(2A), (3C), (5) and (6) and 333(7) and (8) of the Town and Country Planning Act 1990(1).

Citation, commencement and extent

1. This Order—

- (a) may be cited as the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024,
- (b) comes into force on 21st May 2024, and
- (c) extends to England and Wales.

Amendment of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015

2. Schedule 2 (permitted development rights) to the Town and Country Planning (General Permitted Development) (England) Order 2015(2) is amended in accordance with articles 3 to 8.

Amendment of Class Q of Part 3

3. For Class Q (agricultural buildings to dwellinghouses) of Part 3 (changes of use) substitute—

(1) 1990 c. 8. Amendments have been made to section 59 which are not relevant to this Order. Section 60 was amended by section 4(1) of the Growth and Infrastructure Act 2013 (c. 27) and section 152 of the Housing and Planning Act 2016 (c. 22). Section 108(2A) and (3C) was inserted by section 189 of the Planning Act 2008 (c. 29) (“the 2008 Act”) and amended by S.I. 2012/210 and paragraph 29(5), (6) and (7) of Schedule 12 to the 2016 Act; section 108(6) was inserted by section 189 of the 2008 Act and S.I. 2006/1281. Amendments have been made to section 333 which are not relevant to this Order.

(2) S.I. 2015/596, amended by S.I. 2016/332, 2016/765, 2016/772, 2016/1040, 2016/1154, 2017/391, 2017/571, 2017/619, 2017/1011, 2017/1012, 2018/119, 2018/343, 2018/695, 2019/907, 2020/330, 2020/412, 2020/632, 2020/755, 2020/756, 2020/1243, 2020/1459, 2021/428, 2021/467, 2021/814, 2021/1464, 2022/278, 2023/747, 2023/1279 and 2024/141.

“Class Q

buildings on agricultural units and former agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

- (a) a change of use of—
 - (i) a building that is part of an established agricultural unit and any land within that building’s curtilage, or
 - (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building’s curtilage,to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,
- (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q1. Development is not permitted by Class Q if—

- (a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—
 - (i) on 24th July 2023, or
 - (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,
- (b) in the case of a site that was (but is no longer) part of an established agricultural unit—
 - (i) the site was part of an established agricultural unit on 24th July 2023,
 - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
 - (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,
- (c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,
- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—
 - (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
 - (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained,
- (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,
- (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 during the period which is 10 years before the date development under Class Q begins,
- (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, other than—
 - (i) extension of the building allowed by paragraph Q.1(i);
 - (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),
- (i) the development under Class Q(b) would result in an extension that—
 - (i) has more than one storey,
 - (ii) is sited anywhere other than to the rear of the existing building,
 - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
 - (iv) has eaves the height of which exceed the height of the eaves of the existing building,
 - (v) is higher than whichever is the lower of—
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground,
 - (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
 - (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,
- (j) the development under Class Q(c) 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(j)(i),
- (k) the site is on article 2(3) land,

- (l) 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,
- (m) the site is, or contains, a scheduled monument,
- (n) the building is a listed building,
- (o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015⁽³⁾ as read with the notes dated 19th May 2016 which apply to it, or
- (p) the building does not have suitable existing access to a public highway.

Conditions

Q2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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—

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site,
- (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 Schedule 1 to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(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 (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

(4) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

(3) “Technical housing standards — nationally described space standard” — <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>. A copy can be inspected at the Planning Directorate, the Department for Levelling Up, Housing and Communities, 2 Marsham Street, London SW1P 4DF.

Interpretation of Class Q

- Q3.**—(1) For the purposes of Class Q, “curtilage” means the lesser of—
- (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and
 - (b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.
- (2) For the purposes of Class Q.1(d), “the original limits of an established agricultural unit” means—
- (a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;
 - (b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;
 - (c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence.”.

Amendment of Class R of Part 3

- 4.**—(1) Class R (agricultural buildings to a flexible commercial use) of Part 3 (changes of use) is amended as follows.
- (2) For paragraph R (permitted development) substitute—

“Permitted development

R. 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—

- (a) falling within one of the following provisions of the Use Classes Order—
 - (i) Class B2 (general industrial) of Schedule 1;
 - (ii) Class B8 (storage or distribution) of Schedule 1;
 - (iii) Class C1 (hotels) of Schedule 1;
 - (iv) Class E (commercial, business or service) of Schedule 2; or
 - (v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or
 - (b) for the provision of agricultural training.”.
- (3) In paragraph R.1 (development not permitted), in sub-paragraph (b), for “500 square metres” substitute “1,000 square metres”.
- (4) In paragraph R.2 (conditions), at the end of sub-paragraph (c) insert—
- “;
- (d) where the site is to be used for general industrial purposes within Class B2, it must only be used for the processing of—
 - (i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or
 - (ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods”.

Amendment of Class W of Part 3

5.—(1) Paragraph W (procedure for applications for prior approval under Part 3) of Part 3 (changes of use) is amended as follows.

(2) For sub-paragraph (2)(bb) substitute—

“(bb) in relation to development proposed under Class Q of this Part, a statement specifying—

(i) the number of dwellinghouses proposed, and

(ii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of dwellinghouses and the cumulative floor space developed under Class Q;”;

(3) After sub-paragraph (2) insert—

“(2ZA) For the purposes of sub-paragraph (2)(bb)(ii), previous development within the established agricultural unit includes any development under Class Q that—

(a) ceased to be part of the established agricultural unit after it was developed, or

(b) was developed after the site ceased to be part of the established agricultural unit where any other site on the established agricultural unit had already been developed under Class Q;”.

Amendment of Class X of Part 3

6.—(1) Paragraph X (interpretation of Part 3) of Part 3 (changes of use) is amended as follows.

(2) In the definition of “curtilage”, in the opening words, omit “Q;”.

Amendment of Class A of Part 6

7.—(1) Paragraph A.1 (development not permitted) of Class A (agricultural development on units of 5 hectares or more) of Part 6 (agricultural and forestry) is amended as follows.

(2) In sub-paragraph (e)—

(a) in paragraph (i), after “engineering operations” insert “would exceed 1,000 square metres”;

(b) in paragraph (ii), after “Class A” insert “would exceed 1,500 square metres”;

(c) in the closing words, omit “would exceed 1,000 square metres;”.

(3) Omit the “or” after sub-paragraph (j).

(4) At the end of sub-paragraph (k) insert—

“; or

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument”.

Amendment of Class B of Part 6

8.—(1) Class B (agricultural development on units of less than 5 hectares) of Part 6 (agricultural and forestry) is amended as follows.

(2) In paragraph B.1 (development not permitted)—

(a) omit the “or” after sub-paragraph (e);

(b) at the end of sub-paragraph (f) insert—

“; or

(g) the extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument”.

(3) In paragraph B.2 (conditions)—

(a) in sub-paragraph (b), for “20%” substitute “25%”;

(b) in sub-paragraph (g), for “1,000 square metres” substitute “1,250 square metres”.

Consequential amendment of the Town and Country Planning (Compensation) (England) Regulations 2015

9.—(1) The Town and Country Planning (Compensation) (England) Regulations 2015(4) are amended as follows.

(2) In regulation 2 (prescribed development), after paragraph (d) insert—

“(da) Classes A and B of Part 6 (agricultural and forestry);”.

Transitional provision

10.—(1) Paragraph (2) applies where development (“previously permitted development under Class Q”)—

(a) is permitted under Class Q immediately before 21st May 2024, and

(b) is, by virtue of any amendment made by article 3, no longer permitted under Class Q on and after 21st May 2024.

(2) Where this paragraph applies—

(a) a developer may, notwithstanding the amendments made by article 3, make an application for a determination as to prior approval in relation to previously permitted development under Class Q until the end of 20th May 2025, and

(b) the amendments made by articles 3 and 5 do not apply in relation to previously permitted development under Class Q in respect of which an application for a determination as to prior approval is made before 21st May 2025 (whether the application is made by virtue of sub-paragraph (a) or otherwise).

(3) Paragraph (4) applies where development (“previously permitted development under Class A or Class B”)—

(a) is permitted under Class A or Class B immediately before 21st May 2024, and

(b) is, by virtue of any amendment made by article 7 or 8, no longer permitted under Class A or Class B (as the case may be) on and after 21st May 2024.

(4) Where this paragraph applies—

(a) a developer may, notwithstanding the amendments made by articles 7 and 8—

(i) carry out previously permitted development under Class A or Class B until the end of 20th May 2025, and

(ii) make an application for a determination as to prior approval in relation to previously permitted development under Class A or Class B until the end of 20th May 2025, and

(b) the amendments made by articles 7 and 8 do not apply in relation to previously permitted development under Class A or Class B in respect of which an application for a

(4) S.I. 2015/598. Regulation 2 has been amended by S.I. 2016/331, 2017/392, 2017/620, 2019/907, 2020/632, 2020/1243, 2021/428, 2021/814, 2021/1464 and 2023/747.

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determination as to prior approval is made before 21st May 2025 (whether the application is made by virtue of sub-paragraph (a)(ii) or otherwise).

(5) In this article—

- (a) “Class Q” means Class Q of Part 3,
- (b) “Class A” means Class A of Part 6, and
- (c) “Class B” means Class B of Part 6,

of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed by authority of the Secretary of State for Levelling up, Housing and Communities

Lee Rowley
Minister of State
Department for Levelling Up, Housing and
Communities

at 12.10 p.m. on 30th April 2024

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I. 2015/596) (“the GPDO”). The GPDO provides, for the purposes of section 59 of the Town and Country Planning Act 1990 (c. 8), for the granting of permission for certain classes of development without the requirement for a planning application to be made under Part 3 of that Act. This Order also makes consequential amendments to the Town and Country Planning (Compensation) (England) Regulations 2015 and makes transitional provision.

Article 3 substitutes Class Q (agricultural buildings to dwellinghouses) of Part 3 (changes of use) of Schedule 2 to the GPDO with Class Q (agricultural buildings and former agricultural buildings to dwellinghouses) to—

- (a) remove the requirement for an agricultural building which is 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) allow 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) replace the separate floor space limits on larger and smaller dwellinghouses with a single floor space limit applying to all dwellinghouses,
- (d) increase the cumulative floor space that may be developed,
- (e) increase the cumulative number of separate dwellinghouses that may be developed,
- (f) allow a small increase in the external dimensions of an existing building to accommodate permitted building operations,
- (g) allow a single-storey rear extension of a building as part of the change of use to a dwellinghouse,
- (h) provide 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, and
- (i) prohibit a building without an existing suitable access to a public highway from being developed.

Article 4 amends Class R (agricultural buildings to a flexible commercial use) of Part 3 of Schedule 2 to the GPDO to expand 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.

Article 5 amends paragraph W (procedure for applications for prior approval under Part 3) of Part 3 of Schedule 2 to the GPDO to reflect the amendments made to Class Q of Part 3.

Article 6 amends paragraph X (interpretation of Part 3) of Part 3 of Schedule 2 to the GPDO to make a consequential amendment to the definition of “curtilage”.

Article 7 amends Class A (agricultural development on units of 5 hectares or more) of Part 6 (agricultural and forestry) of Schedule 2 to the GPDO to prohibit the development of a scheduled monument and increase the ground area that may be covered by any building erected, extended or altered by virtue of Class A.

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Article 8 amends Class B (agricultural development on units of less than 5 hectares) of Part 6 of Schedule 2 to the GPDO to prohibit the development of a scheduled monument and increase the permitted cubic content and ground area of an extension to an agricultural building.

Article 9 amends the Town and Country Planning (Compensation) (England) Regulations 2015 to add Classes A and B of Part 6 of Schedule 2 to the GPDO to the list of development prescribed for the purposes of subsections (2A)(a) and (3C)(a) of section 108 (compensation where planning permission granted by development order is withdrawn) of the Town and Country Planning Act 1990.

Article 10 makes transitional provision.

An Explanatory Memorandum is published alongside this instrument at www.legislation.gov.uk.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.