

Barn Conversions - Permitted Development and Protected Species

(Establishing whether development proposals require 'prior approval' or a planning application can be difficult and you may need professional advice to guide you)

The prior approval process has existed for some time for new agricultural buildings, larger household extensions and telecommunications. Since 2014 the system has been expanded to cover other changes of use including, offices to residential, shops to residential, agricultural buildings to other commercial uses or residential.

The General Permitted Development Order (GPDO) sets out a series of Classes of permitted development and has specific criteria as to when a conversion can be considered under the prior approval process. In terms of residential conversions involving agricultural buildings some of the criteria are quite restrictive. Some of the key points are:

- the building may not be enlarged in any dimension,
- the curtilage cannot exceed the footprint of the building,
- the building has to have a current agricultural use and
- permitted development rights for buildings on the holding have not undertaken after 20 March 2013.

Protected Species



Whilst not directly referred to as one of the prior approval issues for the Council to consider, ecology remains a key factor in the conversion of rural buildings. The DCLG response to consultation in paragraph 25 indicates that “All changes under permitted development are required to meet necessary habitats and environmental legislation and regulations.” Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) requires all public bodies to consider biodiversity conservation when carrying out their functions. In carrying out its functions the Council is also required to consider the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended), ‘The Habitats Regulations’.

The application of the Habitats Regulations in respect of the GPDO has been confirmed through appeal decision APP/1615/W/18/3217524 where the inspector considered the Habitats Regulations applied in relation to Schedule 2, Part 3, Paragraph PA.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The GPDO 2015 sets out at Paragraph W of Part 3 of Schedule 2:

“(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;
- (b) statements setting out how impacts or risks are to be mitigated; or
- (c) details of proposed building or other operations.”;

The Council considers that implications for protected species should be considered as “impacts or risks”. The NPPF, which must be given due consideration in determining prior approval applications also requires decisions to be taken with regard to protected species. The Council will therefore require a prior approval application to be accompanied by an appropriate assessment of the potential impact upon protected species and a mitigation strategy if there are protected species at risk of harm from the development.

Links:

[General Permitted Development Order](#)

The Department for Communities and Local Government [DCLG Response to Consultation March 2014](#) also provides additional information.