From 6th April 2014 a new Use Class MB with permitted development right to allow the change of use of agricultural buildings to dwellings in England by the Town and Country Planning (General Permitted Development)(Amendment and Consequential Provisions)(England) Order 2014 (SI2014/564) was introduced. Other parts of the United Kingdom do not apply.

The Order confirms that:

- Prior approval will be required for location and siting; transport and highways; noise; contaminated land; design and external appearance; and flood risk.
- The change of use of existing agricultural buildings and land within their “curtilage” to up to 3 dwellings, together with the building operations reasonably needed for that conversion, can be permitted development.
- The total maximum area of buildings which can be converted is 450 sq m.
- The footprint of the completed development must not go outside the footprint of the original building.
- The permitted building operations are limited to the installation or replacement of doors, windows, roof or external walls; and services. Partial demolition is also allowed.

The Order limits these permitted development rights by stating that they are NOT allowed where:

"...the site was not used solely for an agricultural use, as part of an established agricultural unit"

(i) On 20th March 2013;
(ii) If the site was not in use on that date, when it was last in use; or
(iii) If the site was brought into use after that date, for ten years before the date the development begins;"

At this stage (when (iii) does not appear relevant until 2023), that appears to exclude:

- agricultural buildings without the land that would make them an agricultural unit on 20th March 2013;
- buildings that were in any non-agricultural use on 20th March or, if not in use on that day, when it was last previously used.

Particular provision have been made in relation to agricultural holdings let under either the 1986 or 1995 Acts:

- Both landlord and tenant must have consented in writing to the proposed change of use where the site is within such a tenancy,
- Development is not permitted unless both landlord and tenant have agreed in writing that the site is no longer required for agricultural use where such an agricultural tenancy of the site was terminated less than 12 months before the development begins and the termination was for the purpose of carrying out the development, then

The new permitted development rights will not apply:

- To Listed Buildings
- In Article 1(5) land – National Parks, AONBs, conservation areas, World Heritage Sites and The Broads.
- On Scheduled Monuments
- On Sites of Special Scientific Interest
- on a military explosive storage area or in a safety hazard area.
The rights will sit alongside the existing permitted development rights for agricultural buildings, but those two sets of rights will each restrict the other:

- If the existing permitted development rights to erect a new agricultural building are used after 20th March 2013, then the right to use the new change of use is lost for 10 years. That means that if a new building has been erected or extended under these rights in the last year, it has already removed access to the permitted development rights to change use to a dwelling.
- Conversely, if the new rights are now used to change the use of a farm building to a house, then the existing rights to erect new farm buildings will be lost for 10 years.

A specific definition of “curtilage” is included expressly for this change of use and for related changes of use in Class M (agricultural buildings to shops, restaurants etc) and Class MA (agricultural building to state funded schools or registered nurseries):

For the purposes of Class M, MA or MB only – “curtilage” means

(i) An area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
(ii) The piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

The additional “curtilage” to go with the new dwelling(s) cannot be larger than 450 sq m thus a larger area than their total area.

There is no reference in the Order to:

- Redundant or under used buildings – it is for agricultural buildings, including those in use.
- Traditional buildings or any particular type of construction.
- Any time limit on the new rights.
- Any development outside the limits and tests imposed by the Order which needs planning permission, for which there is substantial case law over toleration for minor variations.