

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO DEVELOPMENT CONTROL COMMITTEE

9 FEBRUARY 2023

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### CHANGES TO THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 AND TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 IN WALES TO CREATE THE TOWN AND COUNTRY PLANNING (USE CLASSES) (AMENDMENT) (WALES) ORDER 2022 AND THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (AMENDMENT) (WALES) ORDER 2022

#### 1. Purpose of Report

- 1.1 The purpose of this report is to update Members of the Development Control Committee on recent changes to legislation in the form of the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and the Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022.

#### 2. Connection to Corporate Well-being Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
- 2.2 **Supporting a successful sustainable economy** – taking steps to make the County Borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.

#### 3. Background

- 3.1 The demand for second homes and short-term holiday lets has been evident within many rural, coastal and Welsh-speaking communities for years. The COVID pandemic has resulted in a general movement of people away from large towns and cities into often more rural environments and this has highlighted the issue of second homes and holiday lets within these communities.
- 3.2 Tensions about the relative affordability for local people, particularly younger people, and the sustainability of the Welsh language within many of these communities have been increasingly evident. High concentrations of second homes and short-term holiday lets can lead to substantial changes for settled communities as the nature of a neighbourhood changes. Issues and problems can manifest themselves in many different ways and create less stable local communities.
- 3.3 Research highlighted the localised nature of concentrations of second homes with Council Tax data (which does not include short-term holiday lets) indicating that they are predominantly concentrated around coastal, rural authorities and within Cardiff and Swansea.
- 3.4 The Welsh Government conducted a consultation between 23 November 2021 and 22 February 2022 (the documents can be found using this hyperlink <https://www.gov.wales/planning-legislation-and-policy-second-homes-and-short-term-holiday-lets>)

with the overall aim of ensuring that local people can live in the communities in which they grew up and to maintain the health and vitality of Welsh as a thriving community language, including access to good-quality affordable housing.

3.5 As part of the wider approach they looked at possible changes to the planning system to support Local Authorities in managing the impact of second homes and short-term holiday lets in their areas. The consultation focussed on the planning aspects with proposed changes to the development management system and National Planning Policy.

3.6 The purpose of this report is to draw Members' attention to the changes and their effect on the Local Planning Authority (LPA) in Bridgend. The changes came into force on 20 October 2022.

3.7 The legislation (two Statutory Instruments) and the covering letter (including the reworded paragraphs in PPW11) by Julie James MS are attached as **Appendix 1** to this report.

#### **4. The Use Classes Order and the General Permitted Development Order and the current situation**

4.1 Planning permission is required to carry out development. The definition of 'development' includes making a material change of use.

4.2 The Town and Country Planning (Use Classes) Order 1987 (UCO), as amended, puts uses of land and buildings into various categories known as 'Use Classes'. Changes of use within a specific Use Class do not constitute development and so do not require planning permission.

4.3 The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) permits certain specified changes of use between the specified Use Classes. Permitted development is development that can be carried out without the need to apply for planning permission as it is already granted by the GPDO. Article 4 of the GPDO enables a direction to be given where it is expedient to do so to remove permitted development. Therefore, the planning permission which the GPDO grants for a class of development may be withdrawn in a particular area by an Article 4 direction made by the Local Planning Authority or by the Welsh Ministers.

4.4 In Wales, Class C of the UCO previously covered residential use with Class C3 covering 'Dwellinghouses' and Class C4 covering small Houses in Multiple Occupation (HMOs) of between 3 and 6 occupiers. Class C3 Dwellinghouses is formed of three parts:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b) up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household to allow for those groupings that do not fall within the C4 HMO definition to be provided for e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger.

- 4.5 Changing between the different uses of a dwellinghouse, for example by a family or by a single person, provided they fell within the above description, did not require planning permission. When two uses fell within the same Use Class, permission was not required to change between them. For a change of use to one outside of that Use Class, planning permission would only be required if there was deemed to be a 'material change of use'.
- 4.6 Use as a short-term holiday let was not specifically referred to within the UCO. Under previous planning legislation, planning permission may have been required for a change of use of a dwelling house to use as a short-term holiday let however, this depended on whether the Local Planning Authority considered there had been a material change of use in Planning terms. There is no published definition of what constitutes a material change of use from primary or secondary home to a short-term holiday let. Whether a material change of use had occurred and planning permission was required, was a matter of fact and degree for the relevant Planning Authority to consider on a case-by-case basis. Considerations that may have been material included increased occupancy of the property, frequency of changes of occupants, impact on local amenity and on direct neighbours and local housing need.
- 4.7 Use as a second home was generally considered to be captured as part of Use Class C3 which included use as a dwellinghouse whether or not as a sole or main residence. The change of use of a property from a main residence to a secondary residence was unlikely to be 'development' and therefore, previously, was very unlikely to require planning permission.
- 4.8 National Planning policy, set out in Planning Policy Wales (PPW), already allowed Local Planning Authorities to develop local policies in their Local Development Plans (LDPs) to meet the challenges and particular circumstances evident in their areas, where they had the supporting evidence. This could have included policies to meet specific local housing needs for market housing provided there was clear and robust evidence to support the approach taken however, this aspect of national planning policy was not widely used by Local Planning Authorities.

## **5. A Summary of the Changes**

- 5.1 The Welsh Government (WG) has amended the Town and Country Planning (Use Classes) Order 1987 (the UCO) to create new Use Classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6) and amended the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) to allow permitted changes between the new Use Classes C3, C5 and C6.
- 5.2 Complementary changes are also being made to Section 4.2 of Planning Policy Wales (PPW) to make it explicit that, where relevant, the prevalence of second homes and short-term lets in a local area must be taken into account when considering housing requirements and policy approaches in Local Development Plans (LDPs).
- 5.3 The amendments to PPW make it clear that where a Local Planning Authority introduces an Article 4 Direction, it should reinforce its actions by requiring conditions to be placed on all new dwellings restricting their use to Class C3 where such a condition would meet the relevant tests. Local Authorities should also allocate sites in LDPs restricted to C3 use, including local market housing, in areas where they are seeking to manage second homes and short-term lets.
- 5.4 The new Article 4 places all aspects of making Directions within the remit of a Local Planning Authority in order to expedite their confirmation and potentially encouraging their

use where evidence demonstrates localised intervention is necessary. It will be for each Local Planning Authority to decide, based on local circumstances, whether they wish to pursue the possible introduction of an Article 4 Direction to remove the permitted development rights for changes between the new Use Classes.

- 5.5 Any such Article 4 Direction will need to be supported by robust local evidence highlighting the impact of second homes and short-term lets on specific communities as part of a co-ordinated response which applies all available interventions to an area and will need to evidence effective community consultation.
- 5.6 In addition, the UCO is being amended to provide greater control over the siting of betting shops. Betting shops/bookmakers/turf accountants have been removed from Use Class A2 (Financial and Professional Services) and are now specified as a unique use (i.e. sui generis). Consequential amendments have also been made to the GPDO to permit changes of use from use as a betting shop that previously applied whilst the use fell within Use Class A2.
- 5.7 Due to the nature and location of Bridgend County Borough, there are no specific localised issues such as an obvious prevalence of second homes and short-term lets and currently, there is no requirement for a local policy approach to support the viability of communities or any need to introduce a cap or ceiling on the number of second homes or short-term lets. However, particularly with the future redevelopment of Porthcawl Waterfront, there could be a case to limit the number of units being purchased as second homes or as investments for short term lets/Airbnbs. Again, any restriction will have to be based on sound evidence and need taking into account all material considerations.

## **6. Effect Upon Policy Framework and Procedure Rules**

- 6.1 The amended Statutory Instruments will be implemented by the Local Planning Authority.

## **7. Equality Act 2010 Implications**

- 7.1 None

## **8. Well-being of Future Generations (Wales) Act 2015 Implications**

- 8.1 None

## **9. Financial implications**

- 9.1 None

## **10. Recommendation**

- (1) That Members note the content of this report, the changes to the two Statutory Instruments (Appendix 1) and the WG Consultation Document.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**  
9 February 2023

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**Background documents:**

Appendix 1 The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022  
The Town and Country Planning (General Permitted Development etc.) (Amendment)  
(Wales) Order 2022  
Julie James MS, Minister for Climate Change – Covering Letter dated 28 September 2022



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2022 Rhif 994 (Cy. 211)**

**2022 No. 994 (W. 211)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2022

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2022

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987 (O.S. 1987/764) ("y Gorchymyn Dosbarthiadau Defnydd").

Mae'r Gorchymyn Dosbarthiadau Defnydd yn pennu dosbarthiadau defnydd adeiladau neu dir arall at ddibenion adran 55(2)(f) o Ddeddf Cynllunio Gwlad a Thref 1990. Mae adran 55(2)(f) yn darparu nad datblygiad yw newid defnydd pan fo'r defnydd blaenorol a'r defnydd newydd o fewn yr un dosbarth. Nid oes angen caniatâd cynllunio ar newidiadau defnydd nad ydynt i'w hystyried fel eu bod yn cynnwys datblygiad.

Mae erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd yn rhestru defnyddiau sydd wedi eu heithrio o'r dosbarthiadau defnydd a nodir yn yr Atodlen i'r Gorchymyn hwnnw. Mae erthygl 2(2) yn diwygio erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd er mwyn cynnwys swyddfeydd betio ar y rhestr honno. Mae erthygl 2(3) yn hepgor swyddfeydd betio o ddosbarth defnydd A2.

Mae erthygl 2(4)(c) yn cyfyngu dosbarth defnydd C3 i ddefnyddio tŷ annedd fel unig breswylfa neu brif breswylfa a feddiannir am fwy na 183 o ddiwrnodau mewn blwyddyn galendr.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) ("the Use Classes Order").

The Use Classes Order specifies classes of use of buildings or other land for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990. Section 55(2)(f) provides that a change of use is not development where the former use and the new use are both within the same class. Changes of use which are not to be taken to involve development do not require planning permission.

Article 3(6) of the Use Classes Order lists uses which are excluded from the classes of use set out in the Schedule to that Order. Article 2(2) amends Article 3(6) of the Use Classes Order to include betting offices in that list. Article 2(3) removes betting offices from use class A2.

Article 2(4)(c) limits use class C3 to use of a dwellinghouse as a sole or main residence and occupied for more than 183 days in a calendar year.

Mae erthygl 2(4)(e) yn cyflwyno dosbarth defnydd newydd C5 sy'n cwmpasu defnyddio tŷ annedd heblaw am fel unig breswylfa neu brif breswylfa a feddiannir am 183 o ddiwrnodau neu lai mewn blwyddyn galendr.

Mae erthygl 2(4)(f) yn cyflwyno dosbarth defnydd newydd C6 sy'n cwmpasu defnyddio tŷ annedd at ddibenion gosod byrdymor masnachol am ddim hwy nag 31 o ddiwrnodau ar gyfer pob cyfnod meddiannu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Is adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

Article 2(4)(e) introduces a new use class C5 which covers use of a dwellinghouse other than as a sole or main residence and occupied for 183 days or fewer in a calendar year.

Article 2(4)(f) introduces a new use class C6 which covers use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Planning Division of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

**2022 Rhif 994 (Cy. 211)**

**2022 No. 994 (W. 211)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2022

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2022

*Gwnaed* 26 Medi 2022  
*Yn dod i rym* 20 Hydref 2022

*Made* 26 September 2022  
*Coming into force* 20 October 2022

Mae Gweinidogion Cymru, drwy arfer eu pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55(2)(f) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of their powers conferred on the Secretary of State by sections 55(2)(f) and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Order.

**Enwi, cychwyn a chymhwys**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) (Diwygio) (Cymru) 2022 a daw i rym ar 20 Hydref 2022.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Title, commencement and application**

1.—(1) The title of this Order is the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and it comes into force on 20 October 2022.

(2) This Order applies in relation to Wales.

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(1) 1990 p. 8.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 55 ac adran 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p. 8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi, ac mae'r swyddogaethau hynny yn swyddogaethau perthnasol fel y'u diffinnir ym mharagraff 30(2).

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(1) 1990 c. 8.

(2) The functions of the Secretary of State under section 55 and section 333(7) of the Town and Country Planning Act 1990 (c. 8) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant functions as defined in paragraph 30(2).



## **Diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987**

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(1) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 3(6)(j) mewnosoder—

“(k) as a betting office.”

(3) Yn Rhan A o’r Atodlen, ym mharagraff (c) o Ddosbarth A2 (gwasanaethau ariannol a phroffesiynol) hepgorer—

“(including use as a betting office)”.

(4) Yn Rhan C o’r Atodlen—

(a) yn Nosbarth C2, yn lle “class C3 (dwelling houses)” rhodder “Class C3. Dwellinghouses, used as sole or main residences”;

(b) ym mhennawd Dosbarth C3, yn lle “Dwellinghouses”, rhodder “Dwellinghouses, used as sole or main residences”;

(c) yn Nosbarth C3 yn lle “(whether or not as a sole or main residence)” rhodder “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) yn “Interpretation of Class C3”—

(i) ar ôl “C3” hepgorer “(a)”;

(ii) ar ôl “Housing Act 2004.” mewnosoder—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person’s occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) ar ôl Dosbarth C4 mewnosoder—

### **“Class C5. Dwellinghouses, used otherwise than as sole or main residences**

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

(a) a single person or by people to be regarded as forming a single household,

(b) not more than six residents living together as a single household where care is provided for residents, or

## **Amendment of the Town and Country Planning (Use Classes) Order 1987**

2.—(1) The Town and Country Planning (Use Classes) Order 1987(1) is amended as follows.

(2) After article 3(6)(j) insert—

“(k) as a betting office.”

(3) In Part A of the Schedule, in paragraph (c) of Class A2 (financial and professional services) omit—

“(including use as a betting office)”.

(4) In Part C of the Schedule—

(a) in Class C2, for “class C3 (dwelling houses)” substitute “Class C3. Dwellinghouses, used as sole or main residences”;

(b) in the heading of Class C3, for “Dwellinghouses”, substitute “Dwellinghouses, used as sole or main residences”;

(c) in Class C3 for “(whether or not as a sole or main residence)” substitute “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) in “Interpretation of Class C3”—

(i) after “C3” omit “(a)”;

(ii) after “Housing Act 2004.” insert—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person’s occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) after Class C4 insert—

### **“Class C5. Dwellinghouses, used otherwise than as sole or main residences**

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

(a) a single person or by people to be regarded as forming a single household,

(b) not more than six residents living together as a single household where care is provided for residents, or

(1) O.S. 1987/764 a ddiwygiwyd gan O.S 2011/988 ac O.S. 2016/28 (Cy. 10). Nid yw’r diwygiadau eraill yn berthnasol i’r Gorchymyn hwn.

(1) S.I. 1987/764 amended by S.I 2011/988 and S.I. 2016/28 (W. 10). Other amendments are not relevant to this Order.

- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

#### **Interpretation of Class C5**

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) ar ôl Dosbarth C5 mewnosoder—

#### **“Class C6. Short-term lets**

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

#### **Interpretation of Class C5**

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) after Class C5 insert—

#### **“Class C6. Short-term lets**

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
26 Medi 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin

Minister for Climate Change, one of the Welsh  
Ministers  
26 September 2022

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WELSH STATUTORY  
INSTRUMENTS

**2022 Rhif 997 (Cy. 213)**

**2022 No. 997 (W. 213)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Datblygu Cyffredinol a  
Ganiateir etc.) (Diwygio) (Cymru)  
2022

The Town and Country Planning  
(General Permitted Development  
etc.) (Amendment) (Wales) Order  
2022

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (O.S. 1995/418) ("Gorchymyn 1995"). Mae erthygl 3 o Orchymyn 1995, ac Atodlen 2 iddo, yn rhoi hawliau datblygu a ganiateir mewn cysylltiad â datblygu penodol. Pan roddir hawliau o'r fath, nid yw'n ofynnol gwneud cais am ganiatâd cynllunio.

Mae erthygl 4 o Orchymyn 1995 yn caniatáu i awdurdodau cynllunio lleol a Gweinidogion Cymru gyfarwyddo na fydd unrhyw ddatblygu a ganiateir, na datblygu penodol a ganiateir, o dan erthygl 3 o Orchymyn 1995 yn gymwys mewn perthynas ag ardal a bennir. Mae erthygl 2(2) o'r Gorchymyn hwn yn diwygio erthygl 4 o Orchymyn 1995.

Mae erthyglau 2(2)(b) a (d) yn hepgor erthyglau 4(2) a (5).

Mae erthygl 2(2)(e) yn mewnosod erthygl (5A) sy'n cyflwyno Atodlen newydd 2A. Mae Atodlen 2A yn amlinellu gweithdrefnau newydd y mae rhaid eu dilyn wrth wneud, amrywio neu dynnu'n ôl unrhyw gyfarwyddyd a wneir o dan erthygl 4(1). Mae Atodlen 2A hefyd yn cyflwyno dau fath o gyfarwyddyd: cyfarwyddyd a gaiff effaith ar unwaith a chyfarwyddyd na chaiff effaith ar unwaith.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) ("the 1995 Order"). Article 3 of, and Schedule 2 to the 1995 Order confer permitted development rights in respect of certain development. Where such rights are conferred, no application for planning permission is required.

Article 4 of the 1995 Order permits local planning authorities and the Welsh Ministers to direct that any or particular development permitted under article 3 of the 1995 Order is not to apply in relation to a specified area. Article 2(2) of this Order amends article 4 of the 1995 Order.

Articles 2(2)(b) and (d) omit articles 4(2) and (5).

Article 2(2)(e) inserts article (5A) which introduces a new Schedule 2A. Schedule 2A sets out new procedures which must be followed in making, varying or withdrawing any direction that is made under article 4(1). In addition, Schedule 2A introduces two types of direction: a direction with immediate effect and a direction without immediate effect.

Mae erthygl 2(3) yn hepgor erthyglau 5 a 6 o Orchymyn 1995.

Mae erthygl 2(5) yn diwygio Rhan 3 (newid defnydd) o Atodlen 2 i Orchymyn 1995 drwy fewnosod dau ddsbarth newydd, sef Dosbarth I a Dosbarth J.

Mae Dosbarth I yn cyflwyno nifer o hawliau datblygu a ganiateir newydd ar gyfer achosion diderfyn o newid defnydd, gan gynnwys defnydd cymysg, rhwng Dosbarth Defnydd C3 (Tai Annedd, a ddefnyddir fel unig breswylfeydd neu brif breswylfeydd); Dosbarth Defnydd C5 (Tai Annedd, a ddefnyddir heblaw am fel unig breswylfeydd neu brif breswylfeydd) a Dosbarth Defnydd C6 (Llety byrdymor). Mae'r datblygu a ganiateir yn ddarostyngedig i gyfyngiadau.

Mae Dosbarth J yn cyflwyno nifer o hawliau datblygu a ganiateir newydd o ddefnydd fel swyddfa fetio i ddefnydd o fewn Dosbarth A1 (siopau); neu Ddosbarth A2 (gwasanaethau ariannol a phroffesiynol); neu ddefnydd cymysg fel naill ai Ddosbarth A1 neu Ddosbarth A2, yn ogystal â fflat unigol. Mae Dosbarth J hefyd yn caniatáu newid defnydd o ddefnydd cymysg fel swyddfa fetio a fflat unigol i ddefnydd o fewn Dosbarth A1 neu Ddosbarth A2, neu ddefnydd cymysg fel naill ai Ddosbarth A1 neu Ddosbarth A2, yn ogystal â fflat unigol, ac i ddefnydd fel swyddfa fetio. Mae'r datblygu a ganiateir yn ddarostyngedig i gyfyngiadau.

Mae erthygl 3(2) yn diwygio Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2014 (O.S. 2014/2693 (Cy. 268)) ("Rheoliadau 2014") drwy ychwanegu dosbarth datblygu newydd at y rhestr o hawliau datblygu a ganiateir y mae digolledu yn sgil tynnu'r hawl yn ôl yn gyfyngedig ar ei gyfer mewn ffyrdd amrywiol yn Rheoliadau 2014. Mae'r hawliau newydd yn Nosbarth I yn caniatáu newid defnydd amrywiol, fel y'i mewnosodwyd yn Rhan 3 o Atodlen 2 i Orchymyn 1995 gan erthygl 2(5) o'r Gorchymyn hwn.

Effaith ymarferol Rheoliadau 2014 yw, pan gaiff hawliau datblygu a ganiateir a nodir yn rheoliad 2 eu tynnu'n ôl drwy ddyroddi cyfarwyddyd o dan erthygl 4 o Orchymyn 1995, nad yw digolledu yn daladwy ond mewn perthynas â cheisiadau a wnaed o fewn 12 mis yn dechrau ar y dyddiad y cafodd y cyfarwyddyd effaith.

Article 2(3) omits articles 5 and 6 of the 1995 Order.

Article 2(5) amends Part 3 (changes of use) of Schedule 2 to the 1995 Order by inserting two new classes, Class I and Class J.

Class I introduces a number of new permitted development rights for unlimited changes of use, including mixed uses, between use Class C3 (Dwellinghouses, used as sole or main residences); use Class C5 (Dwellinghouses, used otherwise than as sole or main residences) and use Class C6 (Short-term lets). The permitted development is subject to limitations.

Class J introduces a number of new permitted development rights from use as a betting office to use within Class A1(shops); or Class A2 (financial and professional services); or mixed use of either Class A1 or Class A2, plus a single flat. Class J also permits a change of use from a mixed use as a betting office and a single flat to use within Class A1 or Class A2, or a mixed use of either Class A1 or Class A2, plus a single flat, and to use as a betting office. The permitted development is subject to limitations.

Article 3(2) amends the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014 (S.I. 2014/2693 (W. 268)) ("the 2014 Regulations") by adding a new class of development into the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the 2014 Regulations. The new rights in Class I permit various changes of use, as inserted into Part 3 of Schedule 2 to the 1995 Order by article 2(5) of this Order.

The practical effect of the 2014 Regulations is that when permitted development rights identified in regulation 2 are withdrawn by issuing a direction under article 4 of the 1995 Order, compensation is only payable in respect of applications made within 12 months beginning on the date the direction took effect.

Mae'r materion a ragnodir yn rheoliadau 3 a 4 o Reoliadau 2014 yn ymwneud â chaniatâd cynllunio a roddir gan orchymyn datblygu ac yn darparu mecanwaith i'r hawliau datblygu a ganiateir a nodir yn rheoliad 2 gael eu tynnu'n ôl heb fod digolledu yn daladwy, cyhyd â bod y gweithdrefnau rhagnodedig yn cael eu dilyn o ran y dull tynnu'n ôl, y dull o gyhoeddi'r tynnu'n ôl a'r cyfnod hiraf o hysbysiad y caniateir ei roi mewn perthynas â'r tynnu'n ôl. Mae rheoliad 5 yn gwneud darpariaeth debyg o ran tynnu'n ôl hawliau datblygu a ganiateir a roddir gan orchymyn datblygu lleol.

Mae erthyglau 3(3) a (4) yn gwneud mân ddiwygiadau canlyniadol i Reoliadau 2014.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Isadran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

The matters prescribed in regulations 3 and 4 of the 2014 Regulations relate to planning permission granted by development order and provide a mechanism for the permitted development rights identified in regulation 2 to be withdrawn without compensation being payable, provided the prescribed procedures are followed as to the manner of withdrawal, the manner of publishing the withdrawal and the maximum period of notice that may be given in respect of withdrawal. Regulation 5 makes similar provision regarding withdrawal of permitted development rights granted by a local development order.

Articles 3(3) and (4) make minor consequential amendments to the 2014 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Planning Division of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).



2022 Rhif 997 (Cy. 213)

2022 No. 997 (W. 213)

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Datblygu Cyffredinol a  
Ganiateir etc.) (Diwygio) (Cymru)  
2022

The Town and Country Planning  
(General Permitted Development  
etc.) (Amendment) (Wales) Order  
2022

*Gwnaed* 26 Medi 2022

*Made* 26 September 2022

*Gosodwyd gerbron Senedd  
Cymru* 28 Medi 2022

*Laid before Senedd Cymru* 28 September 2022

*Yn dod i rym* 20 Hydref 2022

*Coming into force* 20 October 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 59, 60(1) a (3), 61(1), 74, 108(2A)(a), (3C), (5) a (6) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60(1) and (3), 61(1), 74, 108(2A)(a), (3C), (5) and (6) and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2) make the following Order.

- (1) 1990 p. 8. Mewnosodwyd adran 59(4) gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4), a pharagraff 5 o Atodlen 7 iddi. Adrannau 108 (2A)(a), (3C), (5) a (6) fel y'u diwygiwyd gan O.S. 2012/210 (Cy. 36). Nid yw'r diwygiadau eraill yn berthnasol i'r Gorchymyn hwn.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60(1) a (3), 61(1), 74, 108(2A)(a), (3C), (5) a (6) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: *gweler* y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p. 8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi, ac mae'r swyddogaethau hynny yn swyddogaethau perthnasol y Cynulliad fel y'u diffinir yn mharagraff 30(2).

- (1) 1990 c. 8. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). Sections 108 (2A)(a), (3C), (5) and (6) as amended by S.I. 2012/210 (W. 36). Other amendments are not relevant to this Order.
- (2) The functions of the Secretary of State under sections 59, 60(1) and (3), 61(1), 74, 108(2A)(a), (3C), (5) and (6) and 333(7) of the Town and Country Planning Act 1990 (c. 8) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): *see* the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

## Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir etc.) (Diwygio) (Cymru) 2022 a daw i rym ar 20 Hydref 2022.

## Diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 4—

- (a) ym mharagraff (1)—
  - (i) yn lle “Secretary of State” rhodder “Welsh Ministers”;
  - (ii) yn lle “is satisfied” rhodder “are satisfied”;
  - (iii) hepgorer “he or”;
- (b) hepgorer paragraff (2);
- (c) ym mharagraffau (3) a (3A), ar ôl “paragraph (1)” hepgorer “or (2)”;
- (d) hepgorer paragraff (5);
- (e) ar ôl paragraff (5) mewnosoder—

“(5A) The procedures which must be followed in making, varying or withdrawing any direction made under paragraph (1), are set out in Schedule 2A.”
- (f) ym mharagraff (6)—
  - (i) yn lle “articles 5 and 6” rhodder “Schedule 2A”;
  - (ii) hepgorer ““relevant location” means a highway, waterway or open space”.

(3) Hpgorer erthyglau 5 a 6.

(4) Ar ôl Atodlen 2, mewnosoder—

## Title and commencement

1. The title of this Order is the Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022 and it comes into force on 20 October 2022.

## Amendment of the Town and Country Planning (General Permitted Development) Order 1995

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995(1) is amended as follows.

(2) For article 4—

- (a) in paragraph (1)—
  - (i) for “Secretary of State” substitute “Welsh Ministers”;
  - (ii) for “is satisfied” substitute “are satisfied”;
  - (iii) omit “he or”;
- (b) omit paragraph (2);
- (c) in paragraphs (3) and (3A), after “paragraph (1)” omit “or (2)”;
- (d) omit paragraph (5);
- (e) after paragraph (5) insert—

“(5A) The procedures which must be followed in making, varying or withdrawing any direction made under paragraph (1), are set out in Schedule 2A.”
- (f) in paragraph (6)—
  - (i) for “articles 5 and 6” substitute “Schedule 2A”;
  - (ii) omit ““relevant location” means a highway, waterway or open space”.

(3) Omit articles 5 and 6.

(4) After Schedule 2, insert—

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(1) O.S. 1995/418.

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(1) S.I. 1995/418.

Procedures for Article 4  
directions

**Procedure for article 4(1) directions without  
immediate effect**

1.—(1) Unless paragraph 2 applies, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—

- (a) by local advertisement;
- (b) by site display for a period of not less than 6 weeks—
  - (i) at no fewer than 2 locations within the area to which the direction relates, or
  - (ii) if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates; and
- (c) by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates, but this is subject to sub-paragraph (2).

(2) The local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—

- (a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person, or
- (b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable, but this is subject to sub-paragraph (3).

(3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in sub-paragraph (1) must—

- (a) include a description of the development and the area or site to which it relates,
- (b) include a statement of the effect of the direction,

Procedures for Article 4  
directions

**Procedure for article 4(1) directions without  
immediate effect**

1.—(1) Unless paragraph 2 applies, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—

- (a) by local advertisement;
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  - (i) at no fewer than 2 locations within the area to which the direction relates, or
  - (ii) if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates; and
- (c) by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates, but this is subject to sub-paragraph (2).

(2) The local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—

- (a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person, or
- (b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable, but this is subject to sub-paragraph (3).

(3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in sub-paragraph (1) must—

- (a) include a description of the development and the area or site to which it relates,
- (b) include a statement of the effect of the direction,

- (c) specify that the direction is made under article 4(1),
- (d) name a place where a copy of the direction, and a copy of a map defining the area or site to which it relates, may be seen during normal working hours,
- (e) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority, and
- (f) specify the date on which it is proposed that the direction will take effect, which must be at least 28 days but no longer than 2 years after the date specified under paragraph (e).

(5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured, or defaced before the end of the period specified under sub-paragraph (4)(e), the authority is treated as having complied with that paragraph if they have taken reasonable steps for the protection of the notice, including, if need be, its replacement.

(6) The local planning authority must send a copy of the direction and the notice under sub-paragraph (1), and a copy of a map defining the area or site to which it relates, to the Welsh Ministers on the same day that notice of the direction is first published or displayed in accordance with sub-paragraph (1).

(7) The direction takes effect on the date specified in accordance with sub-paragraph 4(f) but only if it is confirmed by the local planning authority in accordance with sub-paragraphs (8) and (9).

(8) In deciding whether to confirm a direction made under article 4(1) the local planning authority must take into account any representations received during the period specified under sub-paragraph 4(e).

(9) The local planning authority must not confirm a direction until after the later of—

- (a) a period of at least 28 days beginning with the latest day any notice relating to the direction was served or published, or
- (b) such longer period as may be specified by the Welsh Ministers following the notification of the direction by the local planning authority to the Welsh Ministers.

- (c) specify that the direction is made under article 4(1),
- (d) name a place where a copy of the direction, and a copy of a map defining the area or site to which it relates, may be seen during normal working hours,
- (e) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority, and
- (f) specify the date on which it is proposed that the direction will take effect, which must be at least 28 days but no longer than 2 years after the date specified under paragraph (e).

(5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured, or defaced before the end of the period specified under sub-paragraph (4)(e), the authority is treated as having complied with that paragraph if they have taken reasonable steps for the protection of the notice, including, if need be, its replacement.

(6) The local planning authority must send a copy of the direction and the notice under sub-paragraph (1), and a copy of a map defining the area or site to which it relates, to the Welsh Ministers on the same day that notice of the direction is first published or displayed in accordance with sub-paragraph (1).

(7) The direction takes effect on the date specified in accordance with sub-paragraph 4(f) but only if it is confirmed by the local planning authority in accordance with sub-paragraphs (8) and (9).

(8) In deciding whether to confirm a direction made under article 4(1) the local planning authority must take into account any representations received during the period specified under sub-paragraph 4(e).

(9) The local planning authority must not confirm a direction until after the later of—

- (a) a period of at least 28 days beginning with the latest day any notice relating to the direction was served or published, or
- (b) such longer period as may be specified by the Welsh Ministers following the notification of the direction by the local planning authority to the Welsh Ministers.

(10) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of confirmation and the date on which the direction takes effect, in accordance with sub-paragraph (11), and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(11) Notice under sub-paragraph 10(a) must be given in the manner described in sub-paragraphs (1) and (4)(a) to (c); and sub-paragraphs (2) and (3) apply for this purpose as they apply for the purpose of sub-paragraph (1)(c).

(12) A local planning authority may, by making a subsequent direction, withdraw any direction made by them under article 4(1).

(13) The Welsh Ministers may make a direction withdrawing or varying any direction under article 4(1) made by a local planning authority or by the Welsh Ministers, at any time before or after its confirmation.

(14) Sub-paragraphs (1) to (11) apply in relation to any direction made under sub-paragraph (12) by a local planning authority unless the direction it is withdrawing is a direction to which paragraph 2 applied.

(15) Paragraphs 2(2) and (4) to (7) apply in relation to any direction made by a local planning authority under sub-paragraph (12) withdrawing a direction to which paragraph 2 applied.

(16) The Welsh Ministers must notify the local planning authority as soon as practicable after making a direction under article 4(1) or sub-paragraph (13).

(17) Sub-paragraphs (1) to (3) and (4)(a) to (c) apply to any direction made under sub-paragraph (13) by the Welsh Ministers.

(18) A direction made under sub-paragraph (13) by the Welsh Ministers takes effect —

- (a) on the date on which the notice is served under sub-paragraph (1)(c) on the occupier, or if there is no occupier, on the owner; or
- (b) if sub-paragraph (2) applies, on the date on which the notice was first advertised or displayed in accordance with sub-paragraph (1).

(10) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of confirmation and the date on which the direction takes effect, in accordance with sub-paragraph (11), and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(11) Notice under sub-paragraph 10(a) must be given in the manner described in sub-paragraphs (1) and (4)(a) to (c); and sub-paragraphs (2) and (3) apply for this purpose as they apply for the purpose of sub-paragraph (1)(c).

(12) A local planning authority may, by making a subsequent direction, withdraw any direction made by them under article 4(1).

(13) The Welsh Ministers may make a direction withdrawing or varying any direction under article 4(1) made by a local planning authority or by the Welsh Ministers, at any time before or after its confirmation.

(14) Sub-paragraphs (1) to (11) apply in relation to any direction made under sub-paragraph (12) by a local planning authority unless the direction it is withdrawing is a direction to which paragraph 2 applied.

(15) Paragraphs 2(2) and (4) to (7) apply in relation to any direction made by a local planning authority under sub-paragraph (12) withdrawing a direction to which paragraph 2 applied.

(16) The Welsh Ministers must notify the local planning authority as soon as practicable after making a direction under article 4(1) or sub-paragraph (13).

(17) Sub-paragraphs (1) to (3) and (4)(a) to (c) apply to any direction made under sub-paragraph (13) by the Welsh Ministers.

(18) A direction made under sub-paragraph (13) by the Welsh Ministers takes effect —

- (a) on the date on which the notice is served under sub-paragraph (1)(c) on the occupier, or if there is no occupier, on the owner; or
- (b) if sub-paragraph (2) applies, on the date on which the notice was first advertised or displayed in accordance with sub-paragraph (1).

**Procedure for article 4(1) directions with immediate effect**

2.—(1) This paragraph applies where—

- (a) a direction relating only to development permitted by any of—
  - (i) Part 1 (development within the curtilage of a dwellinghouse);
  - (ii) Part 2 (minor operations);
  - (iii) Part 3 (changes of use), excluding development permitted by paragraphs (b)(i) and (c)(i) of Class I;
  - (iv) Part 4 (temporary buildings and uses);
  - (v) Part 31 (demolition of buildings);of Schedule 2 has been made by the local planning authority or the Welsh Ministers under article 4(1) and the planning authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; or
- (b) a direction within the whole or part of any conservation area has been made by the local planning authority or the Welsh Ministers under article 4(1) which the planning authority considers should have immediate effect and the development to which the direction relates is described in sub-paragraph (3).

(2) Paragraphs 1(1) to (3), (4)(a) to (e), (5), and (8) and (9) apply in relation to a direction to which this paragraph applies; and the planning authority must notify the Welsh Ministers of the direction on the same day that notice is given under paragraph 1(1).

(3) The development referred to in sub-paragraph (1)(b) is development described in—

- (a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;
- (b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

**Procedure for article 4(1) directions with immediate effect**

2.—(1) This paragraph applies where—

- (a) a direction relating only to development permitted by any of—
  - (i) Part 1 (development within the curtilage of a dwellinghouse);
  - (ii) Part 2 (minor operations);
  - (iii) Part 3 (changes of use), excluding development permitted by paragraphs (b)(i) and (c)(i) of Class I;
  - (iv) Part 4 (temporary buildings and uses);
  - (v) Part 31 (demolition of buildings);of Schedule 2 has been made by the local planning authority or the Welsh Ministers under article 4(1) and the planning authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; or
- (b) a direction within the whole or part of any conservation area has been made by the local planning authority or the Welsh Ministers under article 4(1) which the planning authority considers should have immediate effect and the development to which the direction relates is described in sub-paragraph (3).

(2) Paragraphs 1(1) to (3), (4)(a) to (e), (5), and (8) and (9) apply in relation to a direction to which this paragraph applies; and the planning authority must notify the Welsh Ministers of the direction on the same day that notice is given under paragraph 1(1).

(3) The development referred to in sub-paragraph (1)(b) is development described in—

- (a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;
- (b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

- (c) Class D of Part 1 of that Schedule, where the external door in question fronts a relevant location;
  - (d) Class E of Part 1 of that Schedule, where the building or enclosure, raised platform, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location;
  - (e) Class F of Part 1 of that Schedule, where the hard surface would front a relevant location;
  - (f) Class H of Part 1 of that Schedule, where the part of the building or other structure on which the antenna is to be installed, altered or replaced fronts a relevant location;
  - (g) Part 1 of that Schedule, consisting of the installation, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse;
  - (h) Class A of Part 2 of that Schedule, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location;
  - (i) Class C of Part 2 of that Schedule, consisting of the painting of the exterior of any part, which fronts a relevant location, of—
    - (i) a dwellinghouse; or
    - (ii) any building or enclosure within the curtilage of a dwellinghouse;
  - (j) Class B of Part 31 of that Schedule, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.
- (4) The direction takes effect —
- (a) on the date on which the notice is served under paragraph 1(1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or
  - (b) if paragraph 1(2) applies, on the date on which the notice is first published or displayed in accordance with paragraph 1(1).

(5) A direction to which this paragraph applies expires at the end of 6 months beginning with the day on which it takes effect, unless it is confirmed by the local planning authority in accordance with paragraphs 1(8) and (9), before the end of that period.

(6) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of their confirmation; and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(7) Notice under sub-paragraph (6)(a) must be given in the manner described in paragraphs 1(1) and 4(a) to (c); and paragraphs 1(2) and (3) apply for this purpose as they apply for the purpose of paragraph 1(1)(c).

(8) In this paragraph, “relevant location” means a highway, waterway or open space.”

(5) Yn Rhan 3 o Atodlen 2 (newid defnydd), ar ôl Dosbarth H mewnosoder—

#### “Class I

##### **I. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
  - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;

(5) A direction to which this paragraph applies expires at the end of 6 months beginning with the day on which it takes effect, unless it is confirmed by the local planning authority in accordance with paragraphs 1(8) and (9), before the end of that period.

(6) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of their confirmation; and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(7) Notice under sub-paragraph (6)(a) must be given in the manner described in paragraphs 1(1) and 4(a) to (c); and paragraphs 1(2) and (3) apply for this purpose as they apply for the purpose of paragraph 1(1)(c).

(8) In this paragraph, “relevant location” means a highway, waterway or open space.”

(5) In Part 3 of Schedule 2 (changes of use), after Class H insert—

#### “Class I

##### **I. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
  - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;





- (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (iii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed used combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
- (e) from a mixed use combining uses falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
- (i) to a use falling within Class C3 (dwellinghouses, used as sole or main residences) of that Schedule;
  - (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (iii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed used combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule.

**I.1 Development not permitted**

Development is not permitted by Class I if it would result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses, used as sole or main residences), Class C5 (dwellinghouses, used otherwise than as sole or main residences) or Class C6 (short-term lets) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse.

**Class J**

**J. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use as a betting office—

**I.1 Development not permitted**

Development is not permitted by Class I if it would result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses, used as sole or main residences), Class C5 (dwellinghouses, used otherwise than as sole or main residences) or Class C6 (short-term lets) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse.

**Class J**

**J. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use as a betting office—

- (i) to a use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order;
  - (ii) to a mixed use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat;
  - (iii) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
  - (iv) to a mixed use for any purpose falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat;
  - (v) to mixed use as a betting office and as a single flat;
- (b) from a mixed use as a betting office and as a single flat—
- (i) to a use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order;
  - (ii) to a mixed use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat;
  - (iii) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
  - (iv) to a mixed use for any purpose falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat;
  - (v) to a use as a betting office.

### **J1. Conditions**

Development permitted by Class J is subject to the following conditions—

- (a) some or all of the parts of the building used for any purposes within Class A1, Class A2 or as a betting office, as the case may be, of the Schedule to the Use Classes Order must be situated on a floor below the part of the building used as a single flat;

### **J1. Conditions**

Development permitted by Class J is subject to the following conditions—

- (a) some or all of the parts of the building used for any purposes within Class A1, Class A2 or as a betting office, as the case may be, of the Schedule to the Use Classes Order must be situated on a floor below the part of the building used as a single flat;

- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall must not be used in whole or in part as the single flat;
- (c) the single flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
  - (i) by a single person or by people living together as a family;
  - (ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

## J2. Interpretation of Class J

For the purposes of Class J—

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.”

### Diwygio Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2014

3.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (datblygiad rhagnodedig – caniatâd cynllunio a roddwyd drwy orchymyn datblygu), ar ôl (a) mewnosoder—

“(aa) datblygiad a ganiateir gan Ddosbarth I o Ran 3 o Atodlen 2 (newid defnydd penodol).”

(3) Ym mharagraff (a) o reoliad 3 (dull rhagnodedig o dynnu’n ôl ganiatâd cynllunio a roddwyd drwy orchymyn datblygu), yn lle “erthyglau 4, 5 a (fel y bo’n briodol) 6” rhodder “erthygl 4”.

(4) Ym mharagraff (2)(a) o reoliad 4 (hysbysiad o’r tynnu’n ôl – y dull cyhoeddi a’r cyfnod rhagnodedig ar gyfer gorchymynion datblygu) yn lle “yn erthyglau 5 a (fel y bo’n briodol) 6 o” rhodder “ym mharagraffau 1(1) i (5) o Atodlen 2A i”.

- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall must not be used in whole or in part as the single flat;
- (c) the single flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
  - (i) by a single person or by people living together as a family;
  - (ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

## J2. Interpretation of Class J

For the purposes of Class J—

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.”

### Amendment of the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014

3.—(1) The Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014(1) are amended as follows.

(2) In regulation 2 (prescribed development – planning permission granted by development order), after (a) insert—

“(aa) development permitted by Class I of Part 3 of Schedule 2 (certain changes of use).”

(3) In paragraph (a) of regulation 3 (prescribed manner for withdrawing planning permission granted by development order), for “articles 4, 5 and (as appropriate) 6” substitute “article 4”.

(4) In paragraph (2)(a) of regulation 4 (notice of the withdrawal - prescribed manner of publication and period for development orders) for “articles 5 and (as appropriate) 6 of” substitute “paragraphs 1(1) to (5) of Schedule 2A to”.

(1) O.S. 2014/2693 (Cy. 70).

(1) S.I. 2014/2693 (W. 70).

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
26 Medi 2022

Minister for Climate Change, one of the Welsh  
Ministers  
26 September 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a  
goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd  
Deddfau Senedd y Brenin

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Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

To:

Heads of Planning  
Local Planning Authorities in Wales

28 September 2022

Dear Colleague,

On 4 July the First Minister and the leader of Plaid Cymru announced a package of measures to tackle the issue of second homes and short-term lets in Wales. This included a land use planning element - the introduction of three new use classes to give local planning authorities the ability to control the number of second homes and short-term lets in an area. These changes to planning legislation were consulted upon from [November 2021 to February 2022](#) and have now been agreed as follows:

- The Town and Country Planning (Use Classes) Order 1987 (the UCO) is being amended to create new use classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6);
- The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) is being amended to allow permitted changes between the new use classes, C3, C5 and C6. These permitted development rights can be dis-applied within a specific area by an Article 4 Direction made by a local planning authority on the basis of robust local evidence.

As set out in the consultation, complementary changes are also being made to section 4.2 of *Planning Policy Wales* (PPW). These policy changes make it explicit that, where relevant, the prevalence of second homes and short-term lets in a local area must be taken into account when considering housing requirements and policy approaches in Local Development Plans (LDPs). The amendments to PPW make it clear that where a local planning authority introduces an Article 4 Direction, it should reinforce its actions by requiring conditions to be placed on all new dwellings restricting their use to Class C3 where such a condition would meet the relevant tests. Local authorities should also allocate sites in LDPs restricted to C3 use, including local market housing, in areas where they are seeking to manage second homes and short-term lets. A copy of the amendments to section 4.2 of PPW is attached and these changes will be incorporated into the next edition which is expected to be published during 2023.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

To facilitate and assist you with making Article 4 Directions, the GPDO is also being amended to include a new Article 4 which simplifies the process. The current requirement to secure the Welsh Ministers' approval for the introduction of an Article 4 Direction is being removed. Instead, the new Article 4 places all aspects of making Directions within the remit of a local planning authority in order to expedite their confirmation and potentially encouraging their use where evidence demonstrates localised intervention is necessary. The new Article 4 replaces the former directions known as Article 4(1) and Article 4(2) directions with two types of direction - an expedited direction known as a 'direction with immediate effect' and 'directions without immediate effect'. These changes formed part of the 'Permitted Development' consultation which took place between [16 November 2021 and 15 February 2022](#).

When an Article 4 Direction is made there are circumstances under which compensation may be payable by the local planning authority under the provisions of Section 108 of the Town and Country Planning Act 1990. To mitigate claims for compensation, all the new permitted development rights relating to second homes and short-term lets have been added to the prescribed list in the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014. A 12 month notice period is needed ahead of the implementation of an Article 4 Direction if compensation is not to be paid.

It will be for each local planning authority to decide, based on local circumstances, whether they wish to pursue the possible introduction of an Article 4 Direction to remove the permitted development rights for changes between the new use classes. Any such Article 4 Direction will need to be supported by robust local evidence highlighting the impact of second homes and short-term lets on specific communities as part of a co-ordinated response which applies all available interventions to an area and will need to evidence effective community consultation.

The UCO is also being amended to provide greater control over the siting of betting shops. Use as a betting shop has been removed from use class A2 (Financial and Professional Services) and is specified as a unique use (i.e. sui generis). Consequential amendments have also been made to the GPDO to permit changes of use from use as a betting shop that previously applied whilst the use fell within use class A2.

The two Statutory Instruments are:

- The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022; and
- The Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022.

The Statutory Instruments come into force on 20 October.

Further details about the changes to the UCO and the GPDO will be available in due course in a 'Frequently Asked Questions' document.

Yours sincerely,



Julie James MS  
Minister for Climate Change

## Changes to Planning Policy Wales (PPW) section 4.2, 'Housing' regarding: affordability and the impact of second homes and short-term lets

New text – in red

### Housing Requirement

4.2.5 Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities. Localised issues, such as the prevalence of second homes and short-term lets, must also be considered when developing the requirement for market and affordable homes within a particular area and whether the evidence justifies a local policy approach to support the viability of communities. This could, for example, include introducing a cap or ceiling on the number of second homes or short-term lets.

....

4.2.9 Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken. The justification might be in terms of, for example, land supply, environmental or social impacts, including the prevalence of second homes and short-term lets either individually or in combination. Evidence could be obtained from local studies such as those deriving from the local well-being plans or from studies forming part of the evidence base for the development plan, particularly the Local Housing Market Assessment. Such evidence should highlight any impact of second homes and short-term lets on specific communities. The sustainability appraisal, including the Strategic Environmental Assessment (SEA), would be part of the evidence base providing justification for a departure from national policy.

### New Paragraph (immediately after 4.2.9):

Where robust local evidence has identified impacts on the community arising from the prevalence of second homes and short-term lets, planning authorities may consider co-ordinated local planning approaches. This may include specifically identifying sites in development plans for new homes which are limited in use to sole or main residences or local market housing (see paragraph 4.2.9) and/or the introduction of area specific Article 4 Directions which may require a planning application for a change of use of a sole or main residence to a second home or short-term let. For the specific area to which such an Article 4 direction applies, restrictions by condition or obligation should be placed on all new homes limiting their use to sole or main residences. Further guidance on the use of Article 4 directions, planning conditions and obligations is provided in the Development Management Manual.

...



## **Affordable Housing**

4.2.27 It is important that authorities have an appreciation of the demand for different types of affordable housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments. To support policies and decisions on planning applications, planning authorities should refer to their LHMA to help determine the need for affordable housing, including any evidence of localised affordability issues such as the impact of second homes and short-term lets.