
WELSH STATUTORY INSTRUMENTS

2014 No. 592 (W. 69)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

<i>Made</i>	- - - -	<i>11 March 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>13 March 2014</i>
<i>Coming into force</i>	- -	<i>28 April 2014</i>

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 59, 60, 61 and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Order:

Title, commencement, interpretation and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014 and it comes into force on 28 April 2014.

(2) In this Order “the 1995 Order” (“*Gorchymyn 1995*”) means the Town and Country Planning (General Permitted Development) Order 1995(3).

(3) This Order applies in relation to Wales.

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

2.—(1) The 1995 Order is amended in accordance with this article.

(2) In Part 3 (changes of use) of Schedule 2, in paragraph B.1 of Class B for “235” substitute “500”.

(3) For Part 8 of Schedule 2 substitute—

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- (1) [1990 c.8](#); to which there are amendments not relevant to this Order.
- (2) The functions of the Secretary of State under sections 59, 60, 61 and 333(7) 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 section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 ([c.32](#)), the functions being relevant Assembly functions as defined in paragraph 30(2).
- (3) [S.I. 1995/418](#). Relevant amendments were made by [S.I. 2006/1386 \(W.136\)](#), [S.I. 2007/952 \(W.83\)](#), [S.I. 2009/2193 \(W.185\)](#), [S.I. 2012/1346 \(W.167\)](#).

“PART 8
INDUSTRIAL AND WAREHOUSE DEVELOPMENT
Class A

Permitted development

A. The erection, extension or alteration of an industrial building or a warehouse.

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (b) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (c) any part of the development, would be within 5 metres of any boundary of the curtilage of the premises;
- (d) the gross floor space of any new building erected would exceed 100 square metres;
- (e) the gross floor space of the original building would be exceeded by more than—
 - (i) 10% in respect of development on any article 1(5) land or within a World Heritage Site, or 25% in any other case; or
 - (ii) 500 square metres in respect of development on any article 1(5) land or within a World Heritage Site, or 1,000 square metres in any other case;whichever is the lesser;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) the development must be within the curtilage of an existing industrial building or warehouse;
- (b) any building as erected, extended or altered may only be used—
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;
- (c) no building as erected, extended or altered may be used to provide employee facilities—

- (i) between 7.00 pm and 6.30 am, for employees other than those present at the premises of the undertaking for the purpose of their employment, or
- (ii) at all, if a notifiable quantity of a hazardous substance⁽⁴⁾ is present at the premises of the undertaking;
- (d) any new building erected must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and
- (e) any extension or alteration must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation of Class A

A.3. For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (b) “original building” does not include any building erected at any time under Class A; and
- (c) “employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees.

Class B

Permitted development

B. Development carried out on industrial land for the purposes of an industrial process consisting of—

- (a) **the installation of additional or replacement plant or machinery,**
- (b) **the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or**
- (c) **the provision, rearrangement or replacement of a private way, private railway, siding or conveyor.**

Development not permitted

B.1. Development described in Class B(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned; or
- (b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

⁽⁴⁾ As to hazardous substances and quantities *see* Schedule 1 to the Planning (Hazardous Substances) Regulations (S.I. 1992/656) as amended by the Planning (Hazardous Substances) (Amendment) (Wales) Regulations 2010 (S.I. 2010/450 (W.48)).

Interpretation of Class B

B.2. In Class B, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Class C

Permitted development

C. Development consisting of—

- (a) **the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or**
- (b) **the replacement in whole or in part of such a surface.**

Development not permitted

C.1. Development is not permitted by Class C if the development would be within the curtilage of a listed building.

Conditions

C.2. Development is permitted by Class C subject to the condition that the hard surface must be—

- (a) porous or permeable; or
- (b) provided to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the industrial building or warehouse; and
- (c) permanently maintained so that it continues to comply with the requirements of paragraph (a) and (b).

Class D

Permitted development

D. **The deposit of waste material resulting from an industrial process on any land comprised in a site which was used for that purpose on 1st July 1948 whether or not the superficial area or the height of the deposit is extended as a result.**

Development not permitted

D.1. Development is not permitted by Class D if—

- (a) the waste material is or includes material resulting from the winning and working of minerals; or
- (b) the use on 1 July 1948 was for the deposit of material resulting from the winning and working of minerals.

Class E

Permitted development

E. **The erection or construction of a refuse or cycle store within the curtilage of an industrial building or warehouse.**

Development not permitted

E.1. Development is not permitted by Class E if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be within;
 - (i) 5 metres of any boundary of the curtilage of the premises; or
 - (ii) 20 metres of any building used for residential purposes;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be on article 1(5) land;
- (e) the development would be on land within a World Heritage Site;
- (f) the development would be within the curtilage of a listed building; or
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.

Condition

E.2. Development is permitted by Class E subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class E

E.3. For the purposes of Class E—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes.

Interpretation of Part 8

F. For the purposes of Part 8—

“industrial building” means a building used for the carrying out of an industrial process and includes a building used for the carrying out of such a process on land used as a dock, harbour or quay for the purposes of an industrial undertaking and land used for research and development of products or processes, but does not include a building on land in or adjacent to and occupied together with a mine; and

“warehouse” means a building used for any purpose within Class B8 (storage or distribution) of the Schedule to the Use Classes Order but does not include a building on land in or adjacent to and occupied together with a mine.”

(4) For Part 32 of Schedule 2 substitute—

“PART 32

SCHOOLS, COLLEGES, UNIVERSITIES AND HOSPITALS

Class A

Permitted development

A. The erection, extension or alteration of a school, college, university or hospital building.

Development not permitted

A.1. Development is not permitted by Class A—

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed—
 - (i) 25% of the gross floor space of the original school, college, university or hospital buildings; or
 - (ii) 100 square metres,whichever is the lesser;
- (b) if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;
- (c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;
- (d) if the height of any new building erected would exceed 5 metres;
- (e) if the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
 - (ii) in all other cases, the height of the building being extended or altered;
- (f) if the development would be within the curtilage of a listed building;
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (h) unless—
 - (i) in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education; or
 - (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) the development must be within the curtilage of an existing school, college, university or hospital;
- (b) the development may only be used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;
- (c) any new building erected must, in the case of article 1(5) land or land within a World Heritage Site, be constructed using materials which have a similar external

appearance to those used for the original school, college, university or hospital buildings; and

- (d) any extension or alteration must, in the case of article 1(5) land or land within a World Heritage Site be constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Interpretation

A.3. For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same institution, they are to be treated as a single original building in making any measurement; and
- (b) “original school, college, university or hospital building” means any original building which is a school, college, university or hospital building, as the case may be, other than any building erected at any time under Class A.

Class B

Permitted Development

B. The erection or construction of a refuse or cycle store within the curtilage of a school, college, university or hospital building.

Development not permitted

B.1. Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be within;
 - (i) 5 metres of any boundary of the curtilage of the premises; or
 - (ii) 20 metres of any building used for residential purposes;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be on article 1(5) land;
- (e) the development would be on land within a World Heritage Site;
- (f) the development would be within the curtilage of a listed building; or
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.

Condition

B.2. Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class B

B.3. For the purposes of Class B—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes.”

(5) In Schedule 2, after Part 40 insert—

“PART 41 OFFICE BUILDINGS

Class A

Permitted development

A. A. The extension or alteration of an office building.

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) 25%; or
 - (ii) 50 square metres,whichever is the lesser;
- (b) the height of the building as extended would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
 - (ii) in all other cases, the height of the building being extended;
- (c) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (d) the development would be on article 1(5) land;
- (e) the development would be on land within a World Heritage Site;
- (f) the development would be within the curtilage of a listed building; or
- (g) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) any office building as extended or altered may only be used as part of, or for a purpose incidental to, the use of that office building;
- (b) any office building as extended or altered must be constructed using materials which have a similar external appearance to those used for the building being extended or altered; and
- (c) any alteration is at ground floor level only.

Interpretation of Class A

A.3. For the purposes of Class A where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

Class B

Permitted Development

B. The erection or construction of a refuse or cycle store within the curtilage of an office building.

Development not permitted

B.1. Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be within;
 - (i) 5 metres of any boundary of the curtilage of the premises; or
 - (ii) 20 metres of any building used for residential purposes;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be on article 1(5) land;
- (e) the development would be on land within a World Heritage Site;
- (f) the development would be within the curtilage of a listed building; or
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.

Condition

B.2. Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class B

B.3. For the purposes of Class B—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling; and

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes.

Interpretation of Part 41

C. For the purposes of Part 41 “office building” means a building used for any purpose within Class B1(a) of the Schedule to the Use Classes Order.

PART 42

SHOPS, FINANCIAL OR PROFESSIONAL SERVICES ESTABLISHMENTS

Class A

Permitted development

A. A. The extension or alteration of a shop or financial or professional services establishment.

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) 25%; or
 - (ii) 50 square metres;whichever is the lesser.
- (b) the height of the building as extended would exceed 4 metres;
- (c) any part of the development, other than an alteration, would be within 2 metres of any boundary of the curtilage of the premises;
- (d) the development would be within the curtilage of a listed building;
- (e) the development would be on article 1(5) land;
- (f) the development would be on land within a World Heritage Site;
- (g) the development would consist of or include the construction or provision of a veranda, balcony or raised platform;
- (h) any part of the development would extend beyond an existing shop front;
- (i) the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front;
- (j) the development would involve the installation or replacement of a security grill or shutter on a shop front; or
- (k) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Conditions

A.2. Development is permitted by Class A subject to the following conditions—

- (a) any alteration is at ground floor level only; and
- (b) any extension or alteration may only be used as part of, or for a purpose incidental to, the use of the shop or financial or professional services establishment.

Interpretation of Class A

A.3. For the purposes of Class A—

- (a) where two or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement;
- (b) “raised platform” means a platform with a height greater than 30 centimetres; and

- (c) “shop or financial or professional services establishment” means a building used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order and includes buildings with other uses in other parts as long as the other uses are not within the parts being altered or extended.

Class B

Permitted development

B. The erection or construction of a trolley store within the curtilage of a shop.

Development not permitted

B.1. Development is not permitted by Class B if—

- (a) the gross floor space of the building or enclosure erected would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be within 20 metres of any building used for residential purposes;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be within the curtilage of a listed building;
- (e) the development would be on article 1(5) land;
- (f) the development would be on land within a World Heritage Site;
- (g) the development would be within 5 metres of the boundary of the curtilage of the premises; or
- (h) the development would lead to a reduction in the space available for the parking or turning of vehicles.

Condition

B.2. Development is permitted by Class B subject to the condition that the building or enclosure is only used for the storage of shopping trolleys.

Interpretation of Class B

B.3. For the purposes of Class B—

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes;

“shop” means a building used for any purpose within Class A1 of the Schedule to the Use Classes Order; and

“trolley store” means a building or enclosure designed to be used for the storage of shopping trolleys.

Class C

Permitted Development

C. C. The erection or construction of a refuse or cycle store within the curtilage of a shop or financial or professional services establishment.

Development not permitted

C.1. Development is not permitted by Class C if—

- (a) the gross floor space of the building or enclosure would exceed 20 square metres;
- (b) any part of the building or enclosure erected would be within;
 - (i) 5 metres of the boundary of the curtilage of the premises; or
 - (ii) 20 metres of any building used for residential purposes;
- (c) the height of the building or enclosure would exceed 2.5 metres;
- (d) the development would be on article 1(5) land;
- (e) the development would be on land within a World Heritage Site;
- (f) the development would be within the curtilage of a listed building; or
- (g) the development would lead to a reduction in the space available for the parking and turning of vehicles.

Condition

C.2. Development is permitted by Class C subject to the condition that the building or enclosure is only used for the storage of refuse or bicycles.

Interpretation of Class C

C.3. For the purposes of Class C—

“cycle store” means a building or enclosure designed to be used for the storage of bicycles;

“refuse store” means a building or enclosure designed to be used for the storage of refuse which may include recycling;

“residential purposes” means a building used for any purpose within Part C of the Schedule to the Use Classes Order, as a hostel or as a flat and includes buildings used in part for residential purposes and in part for other purposes; and

“shop or financial or professional services establishment” means a building used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order.”

11 March 2014

Carl Sargeant
Minister for Housing and Regeneration, one of
the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) in relation to Wales. Article 3 of and Schedule 2 to the 1995 Order confer permitted development rights in respect of certain development. Where such rights apply, no specific application for planning permission is required.

Article 2(2) of this Order amends Part 3 (changes of use) of Schedule 2 to the 1995 Order. Where there is a change to or from an use falling within Class B8 (storage or distribution) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 the threshold which applies is increased from 235 to 500 square metres.

Article 2(3) of this Order substitutes a new Part 8 (industrial and warehouse development) of Schedule 2 to the 1995 Order. It extends some of the previous permitted development rights for industrial buildings and warehouses to research and development uses and permits new buildings subject to certain constraints. Class C of the new Part 8 amends the permitted development rights for the provision and partial or total replacement of hard surfaces within the curtilage of an industrial building. Class E also grants new permitted development rights for refuse and cycle stores within the curtilage of an industrial building or warehouse.

Article 2(4) of this Order substitutes a new Part 32 (schools, colleges, universities and hospitals) of Schedule 2 to the 1995 Order. It extends the permitted development rights in Class A for schools, colleges, universities and hospitals and allows extensions and alterations to such institutions, subject to certain constraints. A new Class B grants permitted development rights for refuse and cycle stores within the curtilage of schools, colleges, universities and hospitals.

Article 2(5) of this Order inserts two new Parts into Schedule 2 to the 1995 Order – Part 41 (office buildings) and Part 42 (shops, financial or professional services establishments). Part 41 Class A grants permitted development rights to extend or alter office buildings, subject to certain constraints. Class B grants permitted development rights for refuse and cycle stores within the curtilage of an office building. Part 42 Class A grants permitted development rights to extend or alter shops and financial or professional services establishments, subject to certain constraints. Class B grants permitted development rights for buildings and enclosures for the storage of shopping trolleys within the curtilage of a shop, subject to certain constraints. Class C grants permitted development rights for refuse and cycle stores within the curtilage of a shop or financial or professional services establishment.

An impact assessment has been prepared in relation to this Order. Copies may be obtained from the Planning Division of the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.