
WELSH STATUTORY INSTRUMENTS

2020 No. 1318

The Town and Country Planning (General Permitted Development) (Amendment) (No. 3) (Wales) Order 2020

Community growing spaces

3. After Part 6 of Schedule 2 (agricultural buildings and operations) insert—

“PART 6A

Community Growing Spaces

Class A

A. Permitted development

Development consisting of the erection, extension, alteration or replacement of storage sheds and greenhouses on community growing spaces.

A.1 Development not permitted

Development is not permitted by Class A if—

- (a) the development would be carried out on a community growing space of less than 62 square metres in area;
- (b) on a community growing space of less than 125 square metres in area, it would result in the presence of more than either—
 - (i) one storage shed; or
 - (ii) one greenhouse;
- (c) on a community growing space of 125 square metres or more in area, it would result in the presence of more than one storage shed and one greenhouse;
- (d) the ground area of the storage shed or greenhouse would exceed 6 square metres when measured externally;
- (e) any part of the storage shed or greenhouse would exceed 2.2 metres in height;
- (f) the development would be on article 1(5) land;
- (g) the development would be on land within a World Heritage Site;
- (h) the development would be within the curtilage of a listed building; or
- (i) the development would be within—
 - (i) 8 metres of a non-tidal main river (or within 8 metres of any flood defence structure or culvert on that river); or
 - (ii) within 16 metres of a tidal main river (or within 16 metres of any flood defence structure or culvert on that river).

A.2 Interpretation of Class A

For the purposes of Class A—

“community growing space” means—

- (a) an allotment including an allotment garden within the meaning of the Allotments Act 1922⁽¹⁾; or
- (b) any other land used or intended for use—
 - (i) by one or more communities,
 - (ii) wholly or mainly for the cultivation of vegetables, fruit, herbs or flowers, and
 - (iii) otherwise than with a view to making a profit;

“culvert” means a covered channel or pipe which prevents the obstruction of a main river or drainage path by an artificial construction;

“flood defence structure” means any permanent works constructed, operated or maintained by the Natural Resources Body for Wales, for the purposes of managing flood risk;

“greenhouse” means a structure such as a glasshouse or polytunnel in which vegetables, fruit, herbs or flowers are cultivated under cover in an enclosed space, but does not include a structure in which livestock are kept;

“main river” has the meaning given in section 113(1) of the Water Resources Act 1991⁽²⁾;

“non-tidal main river” means any part of a main river that is not a tidal main river;

“normal tidal limit” means the normal tidal limit as marked on the Ordnance Maps (1:25,000 scale);

“tidal main river” means that part of a main river downstream of the normal tidal limit.”

⁽¹⁾ 1922 c. 51.

⁽²⁾ 1991 c. 57. The definition of “main river” in section 113(1) was amended by section 59(1) and (3) of the Water Act 2014 (c. 21). There are other amendments to section 113(1) but none are relevant to this Order.