
WELSH STATUTORY INSTRUMENTS

2021 No. 254 (W. 67)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2021

<i>Made</i>	- - - -	<i>4 March 2021</i>
<i>Laid before Senedd Cymru</i>		<i>8 March 2021</i>
<i>Coming into force</i>	- -	<i>29 March 2021</i>

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60(1), 61(1) and 333(4B) and (7) of the Town and Country Planning Act 1990⁽¹⁾ and now vested in them⁽²⁾, make the following Order.

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2021 and it comes into force on 29 March 2021.

(2) This Order applies in relation to Wales.

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

2. Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995⁽³⁾ is amended in accordance with articles 3 and 4.

Amendment of Part 3A of Schedule 2 (temporary building and changes of use for public health emergency purposes)

3.—(1) Part 3A (Class A) is amended as follows.

(2) At the end of paragraph A.2(b), omit “and”.

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- (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](#)). There have been other amendments to the 1990 Act which are not relevant to this instrument.
- (2) The functions of the Secretary of State under sections 59, 60(1), 61(1) and 333(4B) and (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 as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 ([S.I. 2000/253](#)). 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 of the National Assembly for Wales were transferred to the Welsh Ministers.
- (3) [S.I. 1995/418](#). There have been other amendments which are not relevant to this instrument.

- (3) For paragraph A.2(c) substitute—
- “(c) on or before the expiry date—
- (i) any use of that building or land for the purpose of Class A must cease;
 - (ii) any building, moveable structure, works, plant or machinery permitted by Class A must be removed; and
 - (iii) the building or land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer; and”.
- (4) After paragraph A.2(c) insert—
- “(d) in sub-paragraph (c), “the expiry date” means—
- (i) for developments which begin before 10 April 2021 the date eighteen months after the date on which the development began; and
 - (ii) for developments which begin on or after 10 April 2021 the date twelve months after the date on which the development began.”

Amendment of Part 12A of Schedule 2 (emergency development by local authorities)

- 4.—(1) Part 12A (Class A) is amended as follows.
- (2) At the end of paragraph A.1(a), omit “and”.
- (3) For paragraph A.1(b) substitute—
- “(b) on or before the expiry date—
- (i) any use of that land for a purpose of Class A must cease and any buildings, plant, machinery, structures and erections permitted by Class A must be removed; and
 - (ii) the land must be restored to its condition before the development took place, or to such other state as may be agreed in writing between the local planning authority and the developer; and”.
- (4) After paragraph A.1(b) insert—
- “(c) in sub-paragraph (b), “the expiry date” means—
- (i) for developments which begin before 30 March 2021 the date eighteen months after the date on which the development began; and
 - (ii) for developments which begin on or after 30 March 2021 the date twelve months after the date on which the development began.”

4 March 2021

Julie James
Minister for Housing and Local Government,
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 GPDO”).

Article 3 of, and Schedule 2 to, the GPDO confer permitted development rights in respect of certain developments. Where such rights are conferred, an application for planning permission is not required.

Article 3 of this Order amends paragraph A.2(c) of Part 3A of Schedule 2 to the GPDO (temporary building and changes of use for public health emergency purposes). Where paragraph A.2(c) applies, the timeframe for removing the development is amended so for those developments which begin before 10 April 2021, the period is extended from twelve to eighteen months. For those developments which begin on or after 10 April 2021, the period remains twelve months. In each case, the time begins from the date on which the development began.

Article 4 of this Order amends paragraph A.1(b) of Part 12A of Schedule 2 to the GPDO (emergency development by local authorities). Where paragraph A.1(b) applies, the timeframe for removing the development is amended so for those developments which begin before 30 March 2021, the period is extended from twelve to eighteen months. For those developments which begin on or after 30 March 2021, the period remains twelve months. In each case, the time begins from the date on which the development began.

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 as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on the Welsh Government website at www.gov.wales.