
WELSH STATUTORY INSTRUMENTS

2022 No. 994 (W. 211)

TOWN AND COUNTRY PLANNING, WALES

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

Made - - - - 26 September 2022

Coming into force - - 20 October 2022

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.

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.

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

2.—(1) The Town and Country Planning (Use Classes) Order 1987⁽³⁾ 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—

(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).

(3) 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.

- (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
- (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.”

26 September 2022

Julie James
Minister for Climate Change, one of the Welsh
Ministers

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.

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.