
WELSH STATUTORY INSTRUMENTS

2021 No. 386

The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (Wales) Order 2021

Insertion of new Part 4A in Schedule 2

3. After Part 4 (temporary buildings and uses) of Schedule 2 insert—

“PART 4A

TEMPORARY CHANGES OF USE

Class A

Additional temporary use of land during the relevant period

Permitted Development

A. The use of any land for any purposes for not more than 28 days in total during the relevant period, of which no more than 14 days in total may be for the purposes of—

- (a) **the holding of a market;**
- (b) **motor car and motorcycle racing including trials of speed, and practising for these activities,**

and the provision on the land of any moveable structure for the purposes of the permitted use.

In calculating the number of days during which development is permitted, no account is to be taken of any day during which development is permitted under Class B of Part 4, or Class B of Part 4A, of this Schedule.

Development not permitted

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

- (a) the land in question is a building;
- (b) the land is within the curtilage of a building and there is a scheduled monument within that curtilage;
- (c) the land is within a National Park and the use of the land is for a car park that is not ancillary to a temporary use under Class A of this part;
- (d) the use of the land is for a caravan site;
- (e) the land is, or is within, a site of special scientific interest or is within the curtilage of a listed building and the use of the land is for—
 - (i) motor car and motorcycle racing including trials of speed or other motor sports, and practising for these activities;

- (ii) clay pigeon shooting;
- (iii) any war game;
- (f) the use of the land is for the display of an advertisement.

Interpretation of Class A

A.2 For the purposes of Class A—

“the relevant period” means the period beginning on 30 April 2021 and ending on 3 January 2022;

“war game” means an enacted, mock or imaginary battle conducted with weapons which are designed not to injure (including smoke bombs, or guns or grenades which fire or spray paint or are otherwise used to mark other participants), but excludes military activities or training exercises organised by or with the authority of the Secretary of State for Defence.

Class B

Holding of a market by or on behalf of a local authority

Permitted Development

B. The use of any land for the purposes of holding a market by or on behalf of a local authority during the relevant period and the provision on the land of any moveable structure for the permitted use.

Development not permitted

B.1 Development is not permitted by Class B if the land is, or is within, a site of special scientific interest.

Interpretation of Class B

B.2 For the purposes of Class B “the relevant period” means the period beginning on 30 April 2021 and ending on 3 January 2022.

Class C

Temporary uses – Class A1 buildings in town centres

Permitted Development

C. Development consisting of a change of use of a building—

- (a) **during the relevant period, from a use falling within Class A1 (shops) of Schedule 1 to the Use Classes Order to a use falling within the following classes of Schedule 1 to the Use Classes Order—**
 - (i) **A2 (financial and professional services);**
 - (ii) **A3 (food and drink);**
 - (iii) **B1 (business);**
 - (iv) **D1 (non-residential institutions);**
 - (v) **D2 (assembly and leisure).**
- (b) **during or at the end of the six month period beginning with the date on which the development began, from the new use to the original use;**

- (c) **at the end of the relevant period, from the new use to the original use.**

Development not permitted

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

- (a) the whole of the building does not fall within a town centre;
- (b) the proposed A3 use is the sale of hot food for consumption off the premises;
- (c) the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.

Conditions

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

- (a) the developer must, as soon as reasonably practicable, notify the local planning authority of the development;
- (b) the change of use may last no more than six months beginning with the date on which the development began;
- (c) the change of use must end on or before the end of the relevant period.

Interpretation of Class C

C.3 For the purposes of Class C “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.

Class D

Temporary uses – Class A2 buildings in town centres

Permitted Development

D. Development consisting of a change of use of a building—

- (a) **during the relevant period, from a use falling within Class A2 (financial and professional services) of Schedule 1 to the Use Classes Order to a use falling within the following classes of Schedule 1 to the Use Classes Order—**
 - (i) **A1 (shops);**
 - (ii) **A3 (food and drink);**
 - (iii) **B1 (business);**
 - (iv) **D1 (non-residential institutions);**
 - (v) **D2 (assembly and leisure);**
- (b) **during or at the end of the six month period beginning with the date on which the development began, from the new use the original use;**
- (c) **at the end of the relevant period, from the new use to the original use.**

Development not permitted

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

- (a) the whole of the building does not fall within a town centre;
- (b) the proposed use is sale of hot food for consumption off the premises;
- (c) the proposed use is Class B1(c) of Schedule 1 to the Use Classes Order.

Conditions

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

- (a) the developer must, as soon as reasonably practicable, notify the local planning authority of the development;
- (b) the change of use may last no more than six months beginning with the date on which the development began;
- (c) the change of use must end on or before the end of the relevant period.

Interpretation of Class D

D.3 For the purposes of Class D “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.

Class E

Temporary uses – Class A3 buildings in town centres

Permitted Development

E. Development consisting of a change of use of a building—

- (a) **during the relevant period, from a use falling within Class A3 (food and drink) of Schedule 1 to the Use Classes Order to a use falling within the following classes of Schedule 1 to the Use Classes Order—**
 - (i) **A1 (shops);**
 - (ii) **A2 (financial and professional services);**
 - (iii) **B1 (business);**
 - (iv) **D1 (non-residential institutions);**
 - (v) **D2 (assembly and leisure);**
- (b) **during or at the end of the six month period beginning with the date on which the development began, from the new use to the original use;**
- (c) **at the end of the relevant period, from the new use to the original use.**

Development not permitted

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

- (a) the whole of the building does not fall within a town centre;
- (b) the proposed use falls within Class B1(c) of Schedule 1 to the Use Classes Order.

Conditions

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

- (a) the developer must, as soon as reasonably practicable, notify the local planning authority of the development;
- (b) the change of use may last no more than six months beginning with the date on which the development began;
- (c) the change of use must end on or before the end of the relevant period.

Interpretation of Class E

E.3 For the purposes of Class E “the relevant period” means the period beginning on 30 April 2021 and ending on 29 April 2022.

Class F

Hospitality uses - outdoor servery provision

Permitted Development

F. The use, during the relevant period, of part of a relevant highway adjacent to premises falling within Class A3 (food and drink) of Schedule 1 to the Use Classes Order for the purposes of placing removable furniture, used for the purposes of selling or serving food or drink supplied from those premises or consuming food or drink supplied from those premises.

Conditions

F.1 Development is permitted by Class F subject to the following conditions—

- (a) permission for the use of the part of the relevant highway must have been obtained from the relevant council under section 115E of the Highways Act 1980(1);
- (b) the use must be in accordance with any conditions imposed by the relevant council under section 115F of the Highways Act 1980;
- (c) the removable furniture must not be used between 10 pm and 8 am.

Interpretation of Class F

F.2 For the purposes of Class F—

“furniture” means—

- (a) counters or stalls for selling or serving food or drink,
- (b) tables, counters or shelves on which food or drink can be placed,
- (c) chairs, benches or other forms of seating, and
- (d) umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink;

“relevant highway” means—

- (a) a highway to which Part 7A of the Highways Act 1980 applies, and
- (b) which is not over Crown land or maintained by Network Rail;

“the relevant period” means the period beginning on 30 April 2021 and ending on 3 January 2022.

Interpretation of Part 4A

G. For the purposes of Part 4A—

“within a town centre” means within an area identified in a development plan as a—

- (a) city centre shopping area;
- (b) central shopping area;

(1) 1980 c. 66. Section 115K was inserted by section 20 of, and paragraph 1 of Schedule 5 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). There are other amendments which are not relevant to this instrument.

- (c) central shopping centre;
 - (d) district centre;
 - (e) district, local, village or neighbourhood centre;
 - (f) district shopping centre;
 - (g) local centre;
 - (h) principal town centre boundary;
 - (i) shopping area;
 - (j) shopping zone;
 - (k) Swansea central area;
 - (l) town and district retail centre;
 - (m) town centre;
 - (n) town centre area;
 - (o) town centre boundary;
 - (p) town/district centre boundary;
 - (q) retail area;
 - (r) retail and commercial hierarchy; or
 - (s) retail centre;
- “development plan” has the same meaning as in section 336 of the Act.”