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WELSH STATUTORY INSTRUMENTS

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**2021 No. 386**

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

**Amendment of Part 42 of Schedule 2**

4.—(1) In the heading to Part 42 (shops, financial or professional services establishments) of Schedule 2, after “Shops,” insert “Food and Drink Establishments and”.

(2) At the end of Part 42 of Schedule 2 insert—

“Class D

Hospitality uses – awnings

**Permitted Development**

**D. The installation of an awning over the frontage of premises falling within Class A3 (food and drink) of Schedule 1 to the Use Classes Order.**

**Development not permitted**

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

- (a) the land is within the curtilage of a listed building;
- (b) the land is located on article 1(5) land or within a World Heritage Site;
- (c) an awning would constitute an advertisement.

**Conditions**

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

- (a) the awning must be fully retractable;
- (b) the awning must be fully retracted between 10 pm and 8 am;
- (c) the awning must not have—
  - (i) any means of support from the public highway;
  - (ii) any side or front panels extending towards the ground;
- (d) where an awning extends over a highway, permission must have been obtained from the relevant council under section 115E of the Highways Act 1980 for—
  - (i) the installation of an awning;
  - (ii) any connected use of the highway under Class F of Part 4A of this Schedule;
- (e) where permission has been given under section 115E for any connected use of the highway under Class F of Part 4A of this Schedule, an awning must not project beyond the part of the highway for which permission has been given for that connected use;
- (f) the erection of the awning must be completed within the relevant period.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **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.”