

# The Planning Series

## 3 - Developments that don't need planning permission

September 2021



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# The Planning Series

## 3 - Developments that don't need planning permission

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## 1. What types of development don't need permission?

In some circumstances, 'development' of land and buildings can happen without first obtaining planning permission. These include:

- activities excluded from the definition of 'development';
- permitted development; and
- changes of use.

## 2. What activities are excluded altogether from the definition of development?

The ***Town and Country Planning Act (1990)*** states that "planning permission is required for the carrying out of any development of land."

The Act defines 'development' as: "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

The Act excludes five categories of operations and uses from the meaning of development, and therefore from the need to obtain planning permission.

In summary, these comprise:

- works which only affect the interior of a building (apart from a Listed Building where Listed Building consent may be needed for internal alterations);
- certain works carried out by highway authorities within the boundaries of a road;
- activity related to the inspection, repair or renewing of sewers, pipes and cables;
- the use of land or buildings within the curtilage of a dwelling house for related purposes (curtilage means the area of land or structures around a dwelling); and
- the use of land and related buildings for agriculture or forestry.

## 3. What is permitted development?

Some types of development are defined by planning law as being 'permitted' and are therefore automatically granted permission.

The types of development defined as permitted in Wales are set out in the ***Town and Country Planning (General Permitted Development) Order 1995***. Schedule 2 of this order lists many separate classes of permitted development. These classes are collected into 43 parts, ranging from part 1 (development within the curtilage of a dwelling house) to part 43 (installation of Non-Domestic Microgeneration equipment). There are some differences as to what is permitted development in Wales and in England.

The most common permitted developments are extensions to dwelling houses, which are subject to various limits and restrictions including those on their height, size and location.

For some permitted development rights, although a formal planning application is not required the planning authority has to give 'prior approval'. For example, such approval is needed for agricultural permitted development and for some telecommunications equipment.

Permitted development rights do not usually apply to Listed Buildings and in areas subject to environmental protection. Such areas include conservation areas, National Parks and Areas of Outstanding Natural Beauty.

Local Planning Authorities also have the power to remove permitted development rights in designated areas through the use of an ***'Article 4 Direction'***. As an example, permitted development rights can be removed when granting planning permission for a particular housing development. This means that any future extensions to houses in this development would need planning permission regardless of their size or height.

Most work that does not require planning permission because it is permitted development is still likely to need ***Building Regulations approval***.

The Welsh Government maintains an updated ***guide to permitted development rights*** for householders.

## 4. What are the latest changes to permitted development rights?

In 2019, the ***Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019*** introduced several small changes, primarily relating to energy, telecommunications and utilities developments, such as the installation of electric vehicle charging outlets.

In light of the coronavirus pandemic in 2020, the Welsh Government provided temporary permitted development rights to **local authorities** and **health service bodies** to help them respond to the public health emergency.

This was followed by **temporary permitted development rights for businesses**, with the aim of supporting economic recovery from the pandemic. The changes will have effect until early 2022.

## 5. What changes of use are allowed?

The ***Town and Country Planning (Use Classes) Order 1987*** identifies similar uses of land and buildings. Most uses of land and buildings are arranged into Groups A, B, C and D. Individual uses, such as shops and restaurants, are then allocated a class number within each of these groups. For example, shops are grouped within class A1, food and drink premises within A3 and hotels within C1. A further category, called 'unique uses' exists to cover other uses.

Planning permission is usually not needed when:

- the present and proposed uses both fall within the same 'class'. For example, a grocery shop could be changed to a shoe shop without the need for planning permission as these uses fall within the same class (A1); or
- some changes between use classes are considered to be 'permitted development'.

For example, a café (A3) could be changed to a shop (A1), as the ***Town and Country Planning (General Permitted Development) Order 1995*** allows this type of change to happen without requiring planning permission. However a change from a shop to a café would not be 'permitted development'.

Planning permission is usually needed when the:

- use of a building or piece of land is to be changed from one use class to another (except where this is permitted development as above); and
- change of use involves activities within the 'unique uses' category. Such uses include amusement centres, theatres, scrap yards, petrol filling stations, car showrooms, taxi and car hire businesses or hostels (however a change of use from a car showroom to a shop (A1) is permitted development in Wales).

## 6. Key sources

### Welsh Government

The **building and planning section** of the Welsh Government website provides further information on **use classes and change of use**.

The Welsh Government has published guidance on **permitted development rights for householders** and **permitted development rights for buildings**.

### Planning Aid Wales

**Planning Aid Wales** is a charitable organisation helping eligible individuals and communities to participate more effectively in the planning system. It provides advisory services, including a helpline.

### Senedd Research

More planning quick guides and other publications from Senedd Research are available on the **Senedd Research website**.





