

Report to	Planning Committee
Date of meeting	9 th November 2022
Lead Member / Officer	Emlyn Jones, Head of Planning, Public Protection and Countryside Services
Report author	Paul Griffin
Title	Information report on amendment to the The Town and Country Planning (Use Classes) Order 1987 (the UCO) and The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).

1. What is the report about?

- 1.1. The report is intended to highlight recent legislative changes within Wales to Planning Use categories. Welsh Government has recently introduced new use categories for second homes and short-term lets in an attempt to manage the impacts that these uses are having in certain parts of Wales.

2. What is the reason for making this report?

- 2.1. To keep Members of the Planning Committee aware of changes to national planning legislation

3. What are the Recommendations?

- 3.1. That members note the changes to the UCO and GDPO.

4. Report details

Background information

- 4.1 The planning system in England and Wales seeks to control the uses of land and buildings. This is done, in part, by having a Use Classes system which differentiates between certain land uses such as dwellings, shops, factories and leisure uses.

Planning permission may be required for changes of use between certain land uses. However, there are some other changes of use which do not require planning permission and which can be implemented under permitted rights. One such permitted change allowed ordinary dwelling houses to be used as second-homes and/or short-term holiday lets.

On 4th July 2022 the First Minister and the Leader of Plaid Cymru announced a package of measures to tackle the issue of second homes and short-term lets in Wales. This included a land use planning element with the introduction of three new use classes. These three new use classes will give local planning authorities the ability, where they have evidence, to make local amendments to the planning system through an Article 4 Direction, allowing them to consider whether planning permission would be required to change from one use class to another and to control the number of additional second homes and short-term lets in an area. These changes to planning legislation have now been agreed as follows:

- The Town and Country Planning (Use Classes) Order 1987 (the UCO) is being amended to create new use classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6);
- The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) is being amended to allow permitted changes between the new use classes, C3, C5 and C6. These permitted development rights can be dis-applied within a specific area by an Article 4 Direction made by a Local Planning Authority on the basis of robust local evidence.

4.2 The above changes came into force on 20th October 2022. Officers will be analysing the approach taken by other Council's across Wales where the impacts of second homes and short-term holiday lets are more pronounced. How this Council approaches this issue will be discussed in Scrutiny Committee's once more detailed research has been carried out.

5. How does the decision contribute to the Corporate Priorities?

5.1. Not applicable at this stage.

6. What will it cost and how will it affect other services?

6.1. Not applicable at this stage.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.
- 7.2. The report on this application has taken into account the requirements of Section 3 'Well-being duties on public bodies' and Section 5 'The Sustainable Development Principles' of the Well-being of Future Generations (Wales) Act 2015. The recommendation is made in accordance with the Act's sustainable development principle through its contribution towards Welsh Governments well-being objective of supporting safe, cohesive and resilient communities. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

8. What consultations have been carried out with Scrutiny and others?

8.1. Not applicable.

9. Chief Finance Officer Statement

9.1. Not applicable.

10. What risks are there and is there anything we can do to reduce them?

10.1. Not applicable.

11. Power to make the decision

11.1. Not applicable