

The Planning Series:

3 - Developments that don't need planning permission

Quick Guide

May 2014

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.¹

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.²

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:

1. Works which only affect the interior of a building³;
2. Certain works carried out by highway authorities within the boundaries of a road;
3. Activity related to the inspection, repair or renewing of sewers, pipes and cables;
4. The use of land or buildings within the curtilage⁴ of a dwelling house for related purposes; and
5. The use of land and related buildings for agriculture or forestry.

¹ Office of Public Sector Information: *Town and Country Planning Act 1990* (section 57) (as amended)

² Office of Public Sector Information: *Town and Country Planning Act 1990* (section 55) (as amended)

³ Apart from a Listed Building where Listed Building consent may be needed for internal alterations

⁴ Curtilage means the area of land or structures around a dwelling.

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 (as amended)*.⁵ 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 curtilage⁶ 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'⁷. 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 Regulation approval. The Welsh Government announced in 2013 changes to Part L of the Building Regulations to be introduced to legislate for an 8% improvement on 2010 standards for carbon emissions for new domestic buildings, together with a tightening of the standards for household extensions. These new regulations come into force on 31 July 2014

4. What recent changes have been made to Permitted Development Rights?

In recent years household permitted development rights have been subject to a number of revisions. In 2012 new permitted development rights for some types of domestic micro-generation equipment were introduced.⁸ In September 2013 the rules for household improvements, alterations and extensions were changed. The changes are similar to those introduced in England in 2008 and are based on an impact-based approach to determine whether household development requires an application for permission. A new requirement is that areas of hard-standing such

⁵ Office of Public Sector Information: *Town and Country Planning (General Permitted Development) Order 1995 (as amended)*

⁶ Curtilage means the area of land or structures around a dwelling.

⁷ Article 4 of the *Town and Country Planning (General Permitted Development) Order 1995 (as amended)*

⁸ Welsh Government: *Generating Your Own Renewable Energy: A Planning Guide*

as patios and paths may now need planning permission unless they are constructed of porous materials to avoid them contributing to surface water flooding. The Welsh Government has produced a non-technical guide to the new household development rights.⁹

Changes have also been made to extend permitted development rights for non-domestic premises. In 2012 permitted development rights were introduced for some forms of micro-generation for non-domestic properties and in 2014 further changes were made for offices, shops and financial services. For example new Part 41 Class A of the Use Classes Order was introduced that allows office buildings to be extended or altered without a planning application, subject to certain constrain

5. What changes of use are allowed?

The *Town and Country Planning (Use Classes) Order 1987*¹⁰ 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, cafes, restaurants and public houses within A3 and hotels within C1. A further category, called 'sui generis' ('unique') exists to cover other uses.

Planning permission is usually not needed when:

1. 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
2. Some changes between Use Classes are considered to be 'permitted development' (see question 3 above).

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:

1. Use of a building or piece of land is to be changed from one use class to another (but see 2. above); and
2. Change of use involves activities within the 'sui generis' category. Such uses include amusement centres, theatres, scrap yards, petrol filling stations, car showrooms¹¹, taxi and car hire businesses or hostels.

⁹ Welsh Government: [Householder Permitted Development Rights](#)

¹⁰ Office of Public Sector Information: *Town and Country (Use Classes) Order 1987* (as amended)

¹¹ However a change of use from a car showroom to a shop (A1) is permitted development in Wales

Further information

Welsh Government

The **planning section** of the Welsh Government website provides information including the principal statement of planning policy for Wales: **Planning Policy Wales**

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.

Planning portal

The **Planning portal** is the UK Government's planning and building regulations resource. It includes information on the planning system in Wales, although some of the content only applies to England.

Other planning quick guides produced by the Research Service:

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