

Welsh Government Consultation Document Briefing

The Welsh Government is currently consulting on potential changes to use classes and permitted development rights in Wales. The proposed changes will affect those with an interest in various types of commercial property. The consultation concludes on 24 August 2018.

The key changes to each Order proposed by the consolidation are summarised below.

Changes to Use Classes Order (UCO)

1. Beauty Salons (and associated uses) will be categorised as Use Class A1 (Retail).
2. Betting Offices will be removed from Use Class A2 (Financial and Professional Services) and classified as a 'unique use', previously known as Sui Generis.
3. Use Class A3 (food and drink) will be divided into individual use classes, similar to the Use Classes Order in England:
 - A new use class will be created for hot food takeaways (Use Class A5).
 - Potential for restaurants and takeaways with drive-through facilities to be classified as the same use class as hot food takeaways (Use Class A5).
 - Restaurants and public houses will be grouped (Use Class A4).
 - A new use class for café and sandwich bar use (Use Class A3). It is suggested such uses will be restricted to operating between the hours of 6am and 7pm.
4. Re-numbering of Use Class B8 (storage and distribution) to B3 (no significant change in definition of the class).
5. Opinion is sought whether nightclubs and retail warehouse clubs (e.g. Costco) should be classified as a unique use.
6. Opinion is sought if any other change to the Order is required.

Changes to General Permitted Development Order (GPDO)

1. Removing the need for approval of the Welsh Ministers for all Article 4 Directions made by Welsh local planning authorities. Article 4 Directions restrict the scope of permitted development rights (PDR) within a defined area or restrict a particular type of development. Two forms of Article 4 Directions would be introduced; immediate directions and non-immediate directions. Immediate directions would only be used to withdraw a small number of PDR.
2. PDR to be removed from Houses in Multiple Occupation.
3. Prohibition of permitted changes of use from a new Use Class A4 (restaurants and drinking establishments).
4. New PDR to change from Class A5 (hot food takeaway) to A1 (shops), A2 (financial and professional services), A3 (café and sandwich bars) and A4 (restaurants and drinking establishments). There would be no PDR for change of use to A5 from any other use.
5. Extension of PDR to allow development of two flats (previously only one) with a betting office as part of a mixed A1 or A2 use, above ground floor level retail.
6. New PDR allowing change of use from betting offices (newly classified as unique use) to A1 or A2.
7. Removing existing PDR allowing change of use from car showroom to Use Class A1.
8. Planning permission to be required for the demolition of public houses.

There are additional proposed changes to the GPDO including: determination period for prior approval advice; surface materials used within curtilage of buildings; installation of smart meter antennas; installation, alteration and replacement masts; antennas and small cell systems; introduction of PDR for Cadw; and other types of demolition.

Should you wish to discuss the potential implication of the proposed changes to the Orders, and to find out how Turley can help you in Wales, please contact:

Gareth Barton
Associate Director
gareth.barton@turley.co.uk
029 2034 4445

Huw Jones
Director
huw.hones@turley.co.uk
029 2034 4445

Turley

Proposed classification of Uses

Use Class	Purpose
Class A	
A1 Shops	<ul style="list-style-type: none"> for the retail sale of goods other than hot food as a post office for the sale of tickets or as a travel agency for the sale of sandwiches or other cold food for consumption off the premises for hairdressing for beauty treatments for the direction of funerals for the display of goods for sale for the hiring out of domestic or personal goods or articles, for the washing or cleaning of clothes or fabrics on the premises for the reception of goods to be washed, cleaned or repaired where the sale, display or service is to visiting members of the public
A2 Financial and Professional Services	<ul style="list-style-type: none"> financial services, or professional services (other than health or medical services), or any other services which it is appropriate to provide in a shopping area where the services are provided principally to visiting members of the public
A3 Café and Sandwich Bars	<p>Use for the sale of hot or cold food between the hours of 6am to 7pm with seating for consumption:</p> <ul style="list-style-type: none"> on the premises, or on the premises with limited sales for consumption off the premises
A4 Restaurants and Drinking Establishments	<ul style="list-style-type: none"> Use as a public house, wine-bar or other alcoholic drinking establishment Use for the sale of food and drink for consumption on the premises
A5 Hot Food Takeaways	<ul style="list-style-type: none"> Use for the sale of hot food for consumption off the premises Mixed take-away and restaurant use with drive-through facilities
Class B	
B1 - Business	<ul style="list-style-type: none"> Offices excluding those in A2 use Research and development of products or processes Light industry being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
B2 - General Industrial	Use for the carrying on of an industrial process other than one falling within class B1
B3 - Storage or Distribution	Use for storage or as a distribution centre
Class C – No changes proposed	
Class D – No changes proposed	
Unique Uses	
No class specified in the Schedule includes use	<ul style="list-style-type: none"> as a theatre as an amusement arcade or centre, or a funfair as a launderette for the sale of fuel for motor vehicles for the sale or display for sale of motor vehicles for a taxi business or business for the hire of motor vehicles as a scrapyard, or a yard for the storage or distribution of minerals or the breaking of motor vehicles for any work registrable under the Alkali, etc. Works Regulation Act 1906 as a hostel as a waste disposal installation for the incineration, chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) or landfill of hazardous waste as defined in regulation 6 of the Hazardous Waste (Wales) Regulations 2005 as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club as a night-club as a betting office