
WELSH STATUTORY INSTRUMENTS

2016 No. 28 (W. 10)

TOWN AND COUNTRY PLANNING, WALES

The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016

Made - - - - 13 January 2016

Coming into force - - 25 February 2016

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 55(2) (f) and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Order.

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 and it comes into force on 25 February 2016.

(2) This Order applies in relation to Wales.

Amendment of the Town and Country Planning (Use Classes) Order 1987

2.—(1) The Town and Country Planning (Use Classes) Order 1987(3) is amended as follows.

(2) In Part C of the Schedule, for Class C3 substitute—

“Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

(1) 1990 c. 8.

(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the appropriate entries in Schedule 1. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(3) S.I. 1987/764 amended by S.I. 1994/724 and S.I. 2006/1386 (W. 136). Other amendments are not relevant to this Order.

Status: This is the original version (as it was originally made).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

Interpretation of Class C3

For the purposes of Class C3(a) “single household” is to be construed in accordance with section 258 of the Housing Act 2004⁽⁴⁾.”

(3) In Part C of the Schedule, after Class C3 insert—

“Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a house in multiple occupation.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”

13 January 2016

Carl Sargeant
Minister for Natural Resources, one of the Welsh
Ministers

(4) 2004 c. 34. Section 254 of the Housing Act 2004 is also relevant.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) (“the Use Classes Order”).

The Use Classes Order specifies classes of use of buildings or other land for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990. Section 55(2)(f) provides that a change of use is not development where the former use and the new use are both within the same class. Changes of use which are not to be taken as development do not require planning permission.

Article 2(2) amends Use Class C3 (dwellinghouses) to:-

- (1) include a definition of “single household” which only applies to Class C3(a);
- (2) remove from the scope of Class C3(c) houses in multiple occupation falling in new Class C4.

Article 2(3) introduces new Use Class C4 (houses in multiple occupation) which, subject to an exception, covers use of a dwellinghouse as a house in multiple occupation as defined in section 254 of the Housing Act 2004. In broad terms, this use occurs where tenanted living accommodation is occupied by 3 to 6 people as their only or main residence, who are not related and who share one or more basic amenities.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.