

Permitted Development Amendments to the Town and Country Planning (General Permitted Development) Order 1995

Consultation Response Form

Respondents are encouraged to submit their responses online:
<https://www.smartsurvey.co.uk/s/5RJZZK/>.

Alternatively, please complete the consultation response form and email to
planconsultations-e@gov.wales.

Your name: Dyfan Sion

Organisation (if applicable): Welsh Language Commissioner

email / telephone number: post@comisiynyddygyraeg.cymru / 0345 6033
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Your address: Market Chambers, 5-7 St Mary Street, Cardiff

Thank you for the opportunity to respond to this consultation. Our response
will focus on section 8, the Article 4 Directions. We will answer Questions 16
and 17 as these are relevant to the Commissioner's remit.

Q.1	Should the additional days granted by Class A of Part 4A be retained permanently, permitting temporary uses to take place for up to 56 days (28 days for specified uses) in a calendar year?
	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/>
	Comments: No comment
Q.2	Do you have any evidence as to any benefits and impacts as a result of introducing the additional number of days for temporary uses to take place since April? If yes, please specify.
	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/>
	Comments: No comment
Q.3	Do you have views on whether there should be additional restrictions on the use of this PDR to mitigate against potential impacts of making this permanent? If yes, please specify.
	Yes <input type="checkbox"/> No <input type="checkbox"/> Other <input type="checkbox"/>
	Comments: No comment

Q.4	Should the number of days for holding a market generally be extended? If Yes, what is an acceptable number of days for holding a market? What conditions should apply to manage the planning impacts?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.5	Should any additional days over the permitted 14 days be provided for markets operated by or on behalf of a local authority?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.6	Do you agree the permitted changes of use within town centres should become permanent? If not, please provide your reasons for disagreeing.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.7	Do you agree the permitted development right for the use of the highway adjacent to a hospitality use for that purpose should be made permanent? If not, please provide your reasons for disagreeing.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.8	If you answered yes to Q7, are any additional conditions required to mitigate potential amenity impacts?		
	Comments: No comment		

Q.9	Do you agree the permitted development right for the installation of awnings at hospitality uses should be made permanent? If not, please provide your reasons for disagreeing.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.10	Do you have any comments regarding Part 3A?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.11	Do you have any comments regarding Part 12A?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments:		

No comment

Q.12	Do you agree that HMOs should not benefit from permitted development rights for alterations and extensions to a dwellinghouse granted by Part 1 of the GPDO? If not, please provide your reasons for disagreeing.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.13	Do you agree with the proposed alterations to Class F? If not, please suggest alternative approaches, restrictions or thresholds that could be adopted.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.14	Do you agree greater flexibility should be provided through permitted development rights to accelerate the rollout of electric vehicle charging infrastructure? If not, please provide your reasons for disagreeing.		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.15	Do you agree with reintroducing permitted development rights for the protection of poultry and other captive birds?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input type="checkbox"/>
	Comments: No comment		

Q.16	Do you agree with the proposals for amending Article 4 Directions?		
	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Other <input checked="" type="checkbox"/>
	Comments: We agree with the proposals in the context of section 8.9 (iii) in particular. We support in principle giving Local Planning Authorities (LPAs) the power to make a direction removing permitted development rights immediately in the case of Changes of Use. We support this in the context of another current Welsh Government consultation, namely <i>Planning legislation and policy for second homes and short-term holiday lets</i> that we will also be responding to. That consultation includes the proposal to amend the existing C3 use class and create new use classes. The intention would be to establish the following classes: C3 Dwellinghouse; Primary homes		

C5 Dwellinghouse; Secondary homes
C6 Short-term lets

The Government proposes to amend the General Permitted Development Order to allow a change of use between the above classes. It also proposes that LPAs use Article 4 Directions to control the level of second homes and short-term holiday lets in areas where evidence suggests that such developments are having adverse effects. These effects were discussed, especially in the context of the Welsh language, in a report which was welcomed by the Government in 2021, namely *Second homes: Developing new policies in Wales* by Simon Brooks.

We agree in principle with the Government's suggestion that the use of Article 4 Directions is an appropriate and targeted way of responding to a location-specific issue. As such, we agree with the current consultation proposal that LPAs should be able to act quickly to make directions immediately in the case of Changes of Use. Allowing each individual LPA to decide on the use of that proposed power would be in line with the first recommendation of Simon Brooks's report, namely to "develop regional and local variation in public policy".

It is important that LPAs know when their new proposed power should be used. We ask, therefore, whether the Government intends to issue advice on these reforms should they come into force? In our response to the Government's previous consultation, *Local taxes for second homes and self-catering accommodation*, we discussed the concept of a threshold for the percentage of second homes and short-term holiday lets that is acceptable from a community sustainability perspective. We believe that the Government should present detailed advice on such a threshold, including the size of the area where the threshold should be set. Consideration should also be given to the risk that setting a threshold in one particular area could encourage an increase in the number of second homes and short-term holiday lets in neighbouring areas. Expert advice would assist LPAs in deciding when article 4 Directions should be used to control the numbers of second homes and short-term holiday lets.

In order to improve our understanding of this complex area and the impact of any interventions on the position of the Welsh language, if the reforms come into force, it would be beneficial to know which LPAs use the proposed new power, and to what extent. Does the Government intend to collect data on this and publish it in due course to assist with monitoring the situation?

Q.17 We would like to know your views on the effects of the proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Comments:

Please note our response to Question 16 above. In areas where evidence suggests that second homes and short-term holiday lets are having adverse effects on the Welsh language, if Article 4 Directions from LPAs meant that fewer houses changed use from being primary homes, and if more local people were able to rent or buy those houses, the Government's proposals could have a positive impact on the Welsh language by protecting the sustainability of communities where the language is spoken. We will be responding in full to the Government's proposals on changes of use classes in the consultation on *Planning legislation and policy for second homes and short-term holiday lets* and our comments in this consultation should be read in the context of that response.

Q.18 We have asked a number of specific consultation questions. If you have any related issues which we have not specifically addressed, please use the space below to raise them.

Comments:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here: