



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2022 Rhif 994 (Cy. 211)

2022 No. 994 (W. 211)

**CYNLLUNIO GWLAD A
THREF, CYMRU**

**TOWN AND COUNTRY
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a
Thref (Dosbarthiadau Defnydd)
(Diwygio) (Cymru) 2022

The Town and Country Planning
(Use Classes) (Amendment)
(Wales) Order 2022

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987 (O.S. 1987/764) ("y Gorchymyn Dosbarthiadau Defnydd").

Mae'r Gorchymyn Dosbarthiadau Defnydd yn pennu dosbarthiadau defnydd adeiladau neu dir arall at ddibenion adran 55(2)(f) o Ddeddf Cynllunio Gwlad a Thref 1990. Mae adran 55(2)(f) yn darparu nad datblygiad yw newid defnydd pan fo'r defnydd blaenorol a'r defnydd newydd o fewn yr un dosbarth. Nid oes angen caniatâd cynllunio ar newidiadau defnydd nad ydynt i'w hystyried fel eu bod yn cynnwys datblygiad.

Mae erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd yn rhestru defnyddiau sydd wedi eu heithrio o'r dosbarthiadau defnydd a nodir yn yr Atodlen i'r Gorchymyn hwnnw. Mae erthygl 2(2) yn diwygio erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd er mwyn cynnwys swyddfeydd betio ar y rhestr honno. Mae erthygl 2(3) yn hepgor swyddfeydd betio o ddosbarth defnydd A2.

Mae erthygl 2(4)(c) yn cyfyngu dosbarth defnydd C3 i ddefnyddio tŷ annedd fel unig breswylfa neu brif breswylfa a feddiannir am fwy na 183 o ddiwrnodau mewn blwyddyn galendr.

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 to involve development do not require planning permission.

Article 3(6) of the Use Classes Order lists uses which are excluded from the classes of use set out in the Schedule to that Order. Article 2(2) amends Article 3(6) of the Use Classes Order to include betting offices in that list. Article 2(3) removes betting offices from use class A2.

Article 2(4)(c) limits use class C3 to use of a dwellinghouse as a sole or main residence and occupied for more than 183 days in a calendar year.

Mae erthygl 2(4)(e) yn cyflwyno dosbarth defnydd newydd C5 sy'n cwmpasu defnyddio tŷ annedd heblaw am fel unig breswylfa neu brif breswylfa a feddiannir am 183 o ddiwrnodau neu lai mewn blwyddyn galendr.

Mae erthygl 2(4)(f) yn cyflwyno dosbarth defnydd newydd C6 sy'n cwmpasu defnyddio tŷ annedd at ddibenion gosod byrdymor masnachol am ddim hwy nag 31 o ddiwrnodau ar gyfer pob cyfnod meddiannu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Is adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar www.llyw.cymru.

Article 2(4)(e) introduces a new use class C5 which covers use of a dwellinghouse other than as a sole or main residence and occupied for 183 days or fewer in a calendar year.

Article 2(4)(f) introduces a new use class C6 which covers use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Planning Division of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on www.gov.wales.

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Gorchymyn Cynllunio Gwlad a
Thref (Dosbarthiadau Defnydd)
(Diwygio) (Cymru) 2022

The Town and Country Planning
(Use Classes) (Amendment)
(Wales) Order 2022

Gwnaed 26 Medi 2022
Yn dod i rym 20 Hydref 2022

Made 26 September 2022
Coming into force 20 October 2022

Mae Gweinidogion Cymru, drwy arfer eu pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55(2)(f) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of their 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.

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) (Diwygio) (Cymru) 2022 a daw i rym ar 20 Hydref 2022.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

Title, commencement and application

1.—(1) The title of this Order is the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and it comes into force on 20 October 2022.

(2) This Order applies in relation to Wales.

(1) 1990 p. 8.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 55 ac adran 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p. 8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi, ac mae'r swyddogaethau hynny yn swyddogaethau perthnasol fel y'u diffinnir ym mharagraff 30(2).

(1) 1990 c. 8.

(2) The functions of the Secretary of State under section 55 and section 333(7) of the Town and Country Planning Act 1990 (c. 8) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions 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), the functions being relevant functions as defined in paragraph 30(2).

Diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(1) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 3(6)(j) mewnosoder—

“(k) as a betting office.”

(3) Yn Rhan A o'r Atodlen, ym mharagraff (c) o Ddosbarth A2 (gwasanaethau ariannol a phroffesiynol) hepgorer—

“(including use as a betting office)”.

(4) Yn Rhan C o'r Atodlen—

(a) yn Nosbarth C2, yn lle “class C3 (dwelling houses)” rhodder “Class C3. Dwellinghouses, used as sole or main residences”;

(b) ym mhennawd Dosbarth C3, yn lle “Dwellinghouses”, rhodder “Dwellinghouses, used as sole or main residences”;

(c) yn Nosbarth C3 yn lle “(whether or not as a sole or main residence)” rhodder “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) yn “Interpretation of Class C3”—

(i) ar ôl “C3” hepgorer “(a)”;

(ii) ar ôl “Housing Act 2004.” mewnosoder—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person's occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) ar ôl Dosbarth C4 mewnosoder—

“Class C5. Dwellinghouses, used otherwise than as sole or main residences

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer 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

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

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

(2) After article 3(6)(j) insert—

“(k) as a betting office.”

(3) In Part A of the Schedule, in paragraph (c) of Class A2 (financial and professional services) omit—

“(including use as a betting office)”.

(4) In Part C of the Schedule—

(a) in Class C2, for “class C3 (dwelling houses)” substitute “Class C3. Dwellinghouses, used as sole or main residences”;

(b) in the heading of Class C3, for “Dwellinghouses”, substitute “Dwellinghouses, used as sole or main residences”;

(c) in Class C3 for “(whether or not as a sole or main residence)” substitute “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) in “Interpretation of Class C3”—

(i) after “C3” omit “(a)”;

(ii) after “Housing Act 2004.” insert—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person's occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) after Class C4 insert—

“Class C5. Dwellinghouses, used otherwise than as sole or main residences

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer 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

(1) O.S. 1987/764 a ddiwygiwyd gan O.S 2011/988 ac O.S. 2016/28 (Cy. 10). Nid yw'r diwygiadau eraill yn berthnasol i'r Gorchymyn hwn.

(1) S.I. 1987/764 amended by S.I 2011/988 and S.I. 2016/28 (W. 10). Other amendments are not relevant to this Order.

- (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).

Interpretation of Class C5

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) ar ôl Dosbarth C5 mewnosoder—

“Class C6. Short-term lets

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

- (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).

Interpretation of Class C5

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) after Class C5 insert—

“Class C6. Short-term lets

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

Julie James

Y Gweinidog Newid Hinsawdd, un o Weinidogion
Cymru
26 Medi 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin

Minister for Climate Change, one of the Welsh
Ministers
26 September 2022

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