



Welsh Government
Consultation Document

Permitted Development and Allotments

Town and Country Planning (General Permitted Development) Order 1995

Date of issue: 22 November 2019
Action required: Responses by 28 February 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

This consultation contains proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to include permitted development rights for the erection of sheds and glasshouses on allotments.

How to respond

The consultation includes a set of specific questions to which the Welsh Government would welcome your response.

Responses are welcome in either English or Welsh and should be sent by email or post to arrive no later than **28 February 2020**.

You can reply in any of the following ways.

Online:

Please complete the online consultation response form on the following link: gov.wales/consultations

Email:

Please complete the consultation response form at the end of this document and email to planconsultations-e@gov.wales

(please include 'Permitted Development and Allotments' in the subject line)

Post:

Please complete the consultation response form at the end of this document and post to:

Permitted Development and Allotments
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Permitted Development and Allotments
Planning Directorate
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: planconsultations-e@gov.wales

General Data Protection Regulations

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data holds about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
CARDIFF
CF10 3NQ

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

e-mail:

Data.ProtectionOfficer@gov.wales

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1. Introduction

- 1.1 'Prosperity for All: The National Strategy' re-affirmed our commitment requiring the co-ordinated planning of new homes, facilities and infrastructure. Engaging with communities and providing support for community food growing and green infrastructure is essential to create places where people want to live, work and enjoy leisure activities whilst also promoting social interaction. This includes creating opportunities for leisure activities and supporting healthy lifestyles through the promotion of community food growing.
- 1.2 Requiring an application for planning permission for development which is small in scale and has limited effects is unnecessary and would impose unwarranted costs on individuals and local planning authorities and businesses, . For many years, such development has either been granted planning permission on a national basis, through the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), or excluded from the need for permission.
- 1.3 Permitted development is development which can be undertaken without the need to apply for planning permission as it is already permitted under GPDO. Schedule 2 of the GDPO contains 43 parts which grant planning permission for a wide range of developments across many different sectors
- 1.4 A [consultation](#)¹ was issued on 31 May 2018 setting out a number of proposed changes to the Town and Country Planning (Use Classes) Order 1987 (UCO) and the GPDO that the Welsh Government is seeking to undertake as part of the consolidation of each of the statutory instruments.
- 1.5 An interim response to the consultation has issued solely looking at the responses relating to expanding permitted development rights for electric vehicle charging infrastructure, telecommunications and non-domestic solar microgeneration. An [amending order](#)² to deliver these priorities came into force on 1 April 2019. Consideration of responses to other proposed changes to the UCO and GDPO is ongoing.
- 1.6 The Welsh Government is committed to exploring further opportunities to expand permitted development rights where consequential impacts are acceptable. Permitted development rights reduce the number of minor planning applications, allowing Local Planning Authorities to concentrate their resources on larger, more complex applications

¹ Subordinate legislation consolidation and review - <https://beta.gov.wales/subordinate-legislation-consolidation-and-review>

² The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 - <http://www.legislation.gov.uk/wsi/2019/330/contents/made>

2. Permitted Development - Allotments

- 2.1 The Welsh Government has published wide-ranging guidance³ on allotments to encourage and support community food growing.
- 2.2 Allotments are usually large areas of land divided up into smaller plots. The site is often owned by the local authority, or managed by an allotment association with the individual plots cultivated by one person or family. An allotment is traditionally used for the growing of fresh produce, although in some instances may also be used for growing plants, the keeping of hens, rabbits or bees. The fruit and vegetables they grow are wholly or mainly for their own consumption and not for sale. Growers are free to sell surplus produce.
- 2.3 The plots are usually of a standard size and having a yearly charge for rent and services, such as water supply. An allotment is traditionally measured in rods (perches or poles), an old measurement dating back to Anglo-Saxon times. 10 poles is the accepted size of an allotment, the equivalent of 250 square metres or about the size of a doubles tennis court.⁴

Current planning controls

- 2.4 Planning permission is only required if any work being carried out on the allotment meets the statutory definition of 'development' which is set out in Section 55 of the Town and Country Planning Act 1990. Development is:

"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"

- 2.5 While some relevant permitted development rights exist in respect of development on allotments, there are currently no specific permitted development rights for development by allotment holders.
- 2.6 In most circumstances, planning permission will be required for the erection of a shed or glasshouse on an allotment. A polytunnel may not be deemed to fall within the definition of development, subject to size, means of construction and degree of permanence. This will be a matter for each local planning authority to determine based on the individual circumstances of each case.

Proposal

- 2.7 The responsibility for planning at a local level rests with the local planning authority. Local planning authorities are responsible for deciding in the first instance whether allotment structures are 'development' in planning law and they must do this by considering all the facts and circumstances of the case. In

³ Allotments and community led gardening: guidance - <https://gov.wales/allotments-and-community-led-gardening-guidance>

⁴ National Society of Allotment and Leisure Gardeners - <https://www.nsalg.org.uk/allotment-info/>

practice, approaches on this matter may vary from one local planning authority to another, resulting in inconsistency and creating uncertainty for allotment holders. The Welsh Government proposes to simplify planning procedures to remove any uncertainty regarding the lawful status of certain structures on allotments.

- 2.8 Structures such as sheds and glasshouses are commonly sited on allotments. Sheds are necessary for the storage of tools used in association with the working of the allotment and provide shelter from the elements, whilst glasshouses play a significant role in ensuring the optimum conditions necessary for productive growth.
- 2.9 The Wellbeing of Future Generations (Wales) Act 2015 sets out a clear obligation for public bodies to enable positive change that leads to a more resilient, secure and healthy Wales. Providing allotment holders with greater freedoms to undertake development on their plot without the need to obtain planning permission will assist with protecting and managing the current provision of allotments. The fresh, often organic fruit and vegetables grown makes a contribution towards providing a more sustainable and secure food supply which in turn will work towards creating a healthier, happier and more sustainable Wales.
- 2.10 We therefore propose to introduce amendments to the GPDO for development on land in use as an allotment. It is proposed to permit the erection of a shed and a glasshouse on each plot, subject to conditions limiting their size.
- 2.11 To prevent the density of development increasing to unacceptable levels on allotments we propose to limit the number of sheds and glasshouses to one of each per 125 square metres (equivalent to half a plot).

- Q1. Do you agree permitted development rights should be introduced for development on an allotment?**
- Q2. Do you agree permitted development rights for allotments should include the erection of both a shed and a glasshouse on a single plot?**
- Q3. If yes to Q2, do you agree the maximum dimensions of a shed or glasshouse permitted by the GPDO should be no greater than 2.5m (depth) x 2.1m (width) x 2.2m (height) (i.e. a standard domestic 8 x6 garden shed or glasshouse)?**
- Q4. In order to manage visual impact and protect the growing space, do you agree the number of sheds and glasshouses should be restricted to one of each per half plot (125 square metres)?**
- Q5. Do you agree a half plot should be defined as measuring no greater than 125 square metres?**

You can submit your response instantly by completing the online consultation response form on the following link – gov.wales/consultations

Alternatively, you can complete and return the following consultation response form.

**Consultation
Response Form**

Your name:

Organisation (if applicable):

Email / telephone number:

Your address:

Q1	Do you agree permitted development rights should be introduced for development on an allotment?

Q2	Do you agree permitted development rights for allotments should include the erection of both a shed and a glasshouse on a single plot?

Q3 If yes to Q2, do you agree the maximum dimensions of a shed or glasshouse permitted by the GPDO should be no greater than 2.5m (depth) x 2.1m (width) x 2.2m (height) (i.e. a standard domestic 8 x6 garden shed or glasshouse)?

Q4 In order to manage visual impact and protect the growing space, do you agree the number of sheds and glasshouses should be restricted to one of each per half plot (125 square metres)?

Q5 Do you agree a half plot should be defined as measuring no greater than 125 square metres?

We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Other Questions:

We would like to know your views on the effects that 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?

Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

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

Responses are welcome in either English or Welsh and should arrive no later than **28 February 2020**.

You can reply in any of the following ways:

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