



Eich cyf/Your ref SK/CR
Ein cyf/Our ref JJ/01151/22

Samuel Kurtz MS
Member of the Senedd for Carmarthen West and South Pembrokeshire

[REDACTED]

31 August 2022

Dear Samuel,

Thank you for your letter of 24 May regarding permitted development rights for temporary changes of use of land on behalf of your constituents, Dylan & Sarah Rees. They have also written to me directly on this matter. I am therefore copying them into this response.

I am unable to comment on the specific circumstances of this site, as to do so could prejudice the role of the Welsh Ministers should the case come before them at a later date, for example as an appeal against an enforcement notice. I can however comment generally on the scope of permitted development rights, the Welsh Government consultation and steps that can be taken to escalate a planning enforcement complaint.

Class B of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) provides for the temporary use of land (excluding buildings) for 28 days in a calendar year, subject to limitations and conditions. This is reduced to 14 days for specified uses, such as use of land for motor car and motorcycle racing and practising for these activities. Temporary use for such motor vehicle activities requires planning permission if the land is, or is within, a site of special scientific interest. The question whether a use benefits from the permission granted by the GPDO is for the Local Planning Authority to determine based upon the facts and circumstances of the particular case.

Where planning permission for development granted by the GPDO may cause unacceptable planning impacts, the Local Planning Authority can restrict their use through making an "Article 4 Direction". While an Article 4 Direction does not stop development, it enables the full consideration of likely planning impacts through the submission of a planning application to the Local Planning Authority.

The consultation on proposed amendments to the GPDO closed on 15 February 2022. In response to the call for evidence on temporary uses, a broad range of stakeholders provided representations, both positive and negative. Inevitably there is a fine balance between providing greater flexibility to landowners to support the growing demand for seasonal uses and protecting the amenity of local residents and the wider environment.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
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CF99 1SN

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Consideration of these matters, in addition to the responses to the rest of the consultation, is ongoing, so the concerns of your constituents will be taken into account as part of this exercise. A government response will then be issued later this year.

I note your constituents' concerns regarding the handling of their complaint by the Local Planning Authority. The Town and Country Planning Act 1990 contains a range of powers that a Local Planning Authority can use to remedy unauthorised development and cases where a breach of planning law has occurred.

Where enforcement cases are not promptly or properly investigated, your constituents may pursue a complaint. Complaints about the way in which enforcement cases are handled and the customer service received from the Local Planning Authority should be directed in the first instance to the authority's Head of Planning Service and if they remain unresolved, to the authority's Monitoring Officer. If the issue remains unresolved, a complaint can be made to the Public Services Ombudsman for Wales, who can investigate allegations individuals have been subject to a personal injustice as a result of maladministration.

The contact details for the Public Services Ombudsman for Wales are:

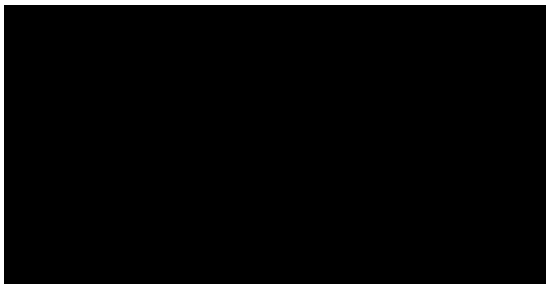
Email: [REDACTED]

Website: www.ombudsman.wales

Address: Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed CF35 5LJ

Telephone [REDACTED]

Yours sincerely,



Julie James AS/MS

Y Gweinidog Newid Hinsawdd

Minister for Climate Change

cc. [REDACTED]

[REDACTED]