



RTPI Cymru

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e-mail response sent to: planconsultations-c@gov.wales

Dear Sir/Madam,

Response to: Changes to permitted development rights

The Royal Town Planning Institute (RTPI) is the leading professional body for town planners in the UK and Europe, representing over 27,000 members in more than 80 countries. Passionate about planning for over a century, the RTPI empowers planners to create healthy, socially inclusive, and economically and environmentally sustainable places.

We set the highest professional standards, accredit expertise, and advocate for the profession's role in delivering societal impact. As the only UK organisation to grant Chartered status to planners, the RTPI upholds the ethics of the profession, shaping policy and influencing global communities. Through research, leadership, and collaboration, we remain the definitive voice of the planning profession.

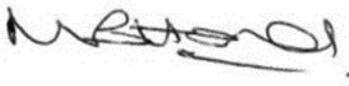
Thank you for the opportunity to respond to the above consultation. Planning plays a key role in addressing the climate and ecological crisis and supporting the rapid transition to net zero carbon.

We note throughout this consultation the practice in other nations in relation to permitted development is referred to. While lessons can be learnt from other nations, aligning with their practices should not be the sole justification for change. Change should be based on context specific evidence. If done appropriately, relaxing permitted development rights can remove perceived obstacles and disincentives to implementing small-scale actions to achieve policy objectives. It can also help free up the time of professional planners to allow them to focus on bigger, more impactful work. We would welcome a future consultation about prior approval for solar canopies over existing car parks in this regard. However,

experience from other nations has shown that attempts to address complex place-based issues by relaxing permitted development rights has in some cases resulted in sub-standard development taking place, with long-term economic and societal costs. We would urge caution in attempting to address important issues in this way. In this respect, it is important to recognise the unintended consequences of proposals. There may be other topics beyond the scope of this consultation where permitted development rights may need to be tightened, for example in relation to climate adaptation and flooding.

If you require further assistance, please contact RTPI Cymru on 07725798383 or e-mail Mark Hand at walespolicy@rtpi.org.uk

Yours faithfully,



Mark Hand MRTPI
Director

Air Source Heat Pumps

We support in principle the proposals set out in relation to air source heat pumps and electric vehicle charging in principle, however we have a number of comments and observations which we believe require further consideration. These are set out below the relevant questions. They relate largely to the balance between the urgent need to transition to net zero and the potential impact on the townscape, street scene or setting in sensitive locations.

Question 1

Do you agree that condition G.3 (a), which requires an air source heat pump be used solely for heating purposes, should be removed to also enable the installation of an air-to-air heat pump?

Yes

Please provide your reasons: [No comment](#)

Question 2

Do you agree that the limitation requiring an air source heat pump to be 3 metres from the property boundary should be removed?

Yes

Observations/comments: [No comment](#)

Question 3

Do you agree that the current external volume of an air source heat pump should be increased from 1 cubic metre to 1.5 cubic metres?

Yes

Please provide your reasons: [No comment](#)

Question 4

Do you agree that the existing limitation of one ASHP on or within the curtilage of a dwelling house should be increased to a maximum of two where the dwelling house is a detached property?

Yes

Observations/comments: [No comment](#)

Question 5

Do you think that permitted development rights should permit the installation of ASHPs on or within the curtilage of a block of free-standing flats?

No

Please provide your reasons: [The potential for adverse cumulative noise amenity and visual impacts are significant and we consider this should require consideration and consultation through the planning process to ensure these issues are avoided.](#)

Question 6

Do you agree that ASHPs should be permitted on a wall fronting a highway (where the installation is not within a Conservation Area, on a listed building or on a scheduled monument)?

Please provide your reasons:

[We believe the proposed wording is too loose and should be revised to specify - ASHP should be permitted on a wall fronting a highway other than on the principal elevation and only where the installation is not a Listed Building, Scheduled Ancient Monument or on Article 1\(5\) land.](#)

Question 7

Do you agree that the limitation of not permitting the installation of an air source heat pump where a wind turbine is located in the curtilage of a dwelling should be removed?

Please provide your reasons: [No comment.](#)

Question 8

Do you agree that the limitations listed in paragraph 2.33 (and in relation to paragraph 2.31-2.32) should include reference to restricting installations on a wall (or roof) of a dwellinghouse or within the curtilage of a dwellinghouse (including on a building within that curtilage) which fronts a highway in a Conservation Area?

Yes

Please provide your reasons: [No comment.](#)

Question 9

Do you agree that the other limitations listed in paragraph 2.33 should remain unchanged?

Please provide your reasons: [No comment.](#)

Question 10

Are there any other planning issues regarding ASHPs that you feel are not covered in the questions above and that you wish to raise?

Please provide your reasons: [No comment](#)

Off-Street Electric Vehicle Charging**Question 11**

Do you agree that the limitation stating wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

[Yes but the limitation should remain within Article 1\(5\) land.](#)

Please provide your reasons: [To safeguard these sensitive locations](#)

Question 12

Do you agree that the permitted height of an upstand for EV charging located within the curtilage of a dwelling house or a block of flats should remain 1.6 metres?

Please provide your reasons: [Yes](#)

Question 13

Do you agree that the permitted height of an upstand for EV charging located in an area lawfully used for off-street parking but which is not within the curtilage of a dwelling house or a block of flats should be increased from 1.6 metres to 2.7 metres?

Please provide your reasons: [We have concerns regarding proposed change of upstand height in visually sensitive areas and the potential level of lighting on EV chargers which could be switched on throughout the night and is often very bright. This is particularly problematic in darker rural settings. We are aware of one LPA which has had to take steps to](#)

physically mask the lighting in certain areas due to concerns regarding the impact of lighting on wildlife dependent on the surrounding vegetation, such as glow worms. Consideration should be given to restrictions to prevent this impact in sensitive locations.

Question 14

Do you consider that there should be a minimum buffer between a 2.7 metre EV charging upstand and a residential property (including flats)?

Please provide your reasons: [No comment](#).

Question 15

Do you agree that the restriction preventing the installation of an electrical upstand facing onto and within two metres of a highway should be removed?

Please provide your reasons: [This restriction should continue to apply to Article 1\(5\) land. There should equally be a restriction on illumination, as discussed above at Q13 \(\[Dark skies: planning guidance | GOV.WALES\]\(#\)\)](#)

Question 16

Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

Please provide your reasons: [No comment](#)

Question 17

Do you agree with the other proposed limitations for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres and no more than one unit per car park?

Please provide your reasons: [No comment](#)

Question 18

Are there any other planning issues regarding EV Chargers located on an area lawfully used for off-street parking that you feel are not covered in the questions above and that you wish to raise?

Please provide your reasons: [We note as newer EVs become more powerful there is often a need for large sub stations to generate the power required. Consideration should be given to the impact of this infrastructure in the future.](#)

Temporary Change of Use of Land for Camping

Question 19

Do you agree with the proposed permanent retention to Part 4 of Schedule 2 of the 1995 Order as outlined above, permitting temporary land uses for 60 days (or 28 for markets or for motor vehicle racing)?

No

Please provide your reasons: [The proposal is likely to exacerbate the issues facing National Parks and other tourism hotspots that are already under pressure from visitor numbers, e.g. Eryri: Plea to Easter visitors to respect Snowdonia national park - BBC News.](#) increasing existing landscape capacity issues.

We note certain exclusions such as SSSIs are referred to but not National Parks, National Landscapes or Article (1) 5 land. The cumulative impact of sequential 60-day campsites across nearby or adjacent sites must be taken into account, particularly as these locations are often heavily reliant on car travel and conflict with sustainability considerations. The proposed limitation to the use of an Article 4 Direction only where the road network cannot accommodate a temporary increase in traffic fails to acknowledge landscape, visual, amenity and biodiversity issues.

Equally, there are practical implications in relation to monitoring this proposal, over an extended period that would put already stretched enforcement teams under further pressure.

RTPI Cymru does not support this extension to permitted development rights in any location.

The proposed prior notification procedure would allow for consideration of vehicular access and wastewater management, however, would not allow for the consideration of other key issues including biodiversity and landscape impacts, therefore the LPA could not refuse the application on these grounds. It is also worth noting that the proposed 28-day prior notification doesn't allow sufficient time to undertake a Habitat Regulations Assessment. This is a plan or project with potential to cause environmental harm, especially in nutrient sensitive locations. It is considered that a planning application is required to enable full consideration of all the issues.

Question 20A

Do you agree with the proposed introduction of a measure withdrawing deemed consent for the use of land for camping within 100 metres of the curtilage of a "protected building"?

Please provide your reasons: [See Q19.](#)

Question 20B

Do you agree with the list of land types excluded from the new class?

Please provide your reasons: [See Q19.](#)

Question 21

Are there any other planning issues regarding temporary campsites that you feel are not covered in the questions above and that you wish to raise?

Please provide your reasons: [See Q19. Are there issues around site licences complicating the situation further?](#)

Reverse Vending Machines

While we support the aim of zero waste, the proposal raises several questions. We note reverse vending machines have been discussed in Scotland. Although not introduced fully, there are trials taking place in Scotland, for example Aberdeen Royal Infirmary, which we believe is an indoor facility. We note that trials do provide evidence, which appears to be currently lacking in relation to this type of development.

We have concerns regarding the use of shipping containers and awnings to house reverse vending machines within communities, this could have a significant visual and amenity impact.

Question 22

Do you agree with the revised dimensions for permitted development for RVM outbuildings, to a maximum of 40 square metres, and to a maximum height of 3.5 metres?

No

Please provide your reasons:

We do not support external containers for this purpose. This is a very large unit (size of 2 shipping containers) in comparison to some small commercial properties. The proposals do not seem to define a type or size of commercial property, so presumably it is all commercial properties, not just retailers. It would seem more sensible to prioritise the use of existing empty shops before RVM outbuildings in town centre locations. We are concerned that permitted development rights for RVM outbuildings will mean they will appear in out-of-town locations that are car dependent. Experience in Australia has seen significant traffic queues of people trying to use these facilities.

Question 23

Do you agree that DRS should not be subject to any specific exceptions relating to advertisement consent and should be subject to the same constraints as exist for other similar developments, such as cashpoints?

Please provide your reasons: [Illumination of advertisements should require express consent. In relation to illumination, we would like to draw your attention to Welsh Government's good practice guidance on enhancing dark skies. \[Dark skies: planning guidance | GOV.WALES\]\(#\)](#)

Question 24

Do you agree that 15 metres distance from the curtilage of a building which is used for residential purposes is a sufficient distance to mitigate the noise impact of recycling of glass? If not, do you have any information which would assist in justification of a differing distance?

Please provide your reasons: [We would suggest that the proposed distance feels inadequate, given complaints received by Local Authorities in relation to pub and glass recycling bins, however others \(such as Environmental Health officers\) will be better placed to comment on this or provide comparative case studies/evidence in relation to sufficient distances and noise impact.](#)

Question 25

Do you consider the other limitations to the new permitted development class under Part 42 of Schedule 2 of the 1995 Order are acceptable?

Please provide your reasons: [We support land identified as Article 1\(5\) land, World Heritage Sites, land within the curtilage of a listed building and scheduled monuments being excluded from this proposal.](#)

Question 26

Are there any other planning issues regarding reverse vending machines that you feel are not covered in the questions above and that you wish to raise?

[No comment](#)

Development By Statutory Undertakers – Electricity

Question 27

Do you agree the definition of statutory undertakers should be revised to enable the provision of smart meter services?

Please provide your reasons: [No comment](#)

Question 28

Do you agree with the increase in volume of permitted development of an electricity installation from 29 cubic metres to 45 cubic metres, subject to the proposed revised constraints of any replacement installation not exceeding 3 metres in height and not exceeding 29 cubic metres if within 5 metres of a dwelling?

Please provide your reasons: [No comment](#)

Question 29

Do you agree that electricity undertakers should be able to replace existing electricity communications line in a National Park, Area of Outstanding Natural Beauty or Site of Special Scientific Interest without the need to seek planning permission, provided the height,

design or position of the replacement communications line reflects that of the existing communications line?

Please provide your reasons: [The term 'reflects' is considered imprecise.](#)

[Equally, the wording should specify that the provisions refer to the supporting equipment \(e.g. pylons/telegraph poles\) being located in the same positions too due to visual impact.](#)

[Providing the works will be a like for like replacement, or very similar, then it makes sense to allow this to happen as permitted development.](#)

Question 30

Do you consider the 1,000 metre limit to replacement of existing electronic communications line remains reasonable and proportionate, given the other constraints to height, design, and position of the replacement communications line?

Please provide your reasons: [We are unsure of the purpose of a length restriction if it is simply for replacement, as set out in Q29.](#)

Question 31

Do you agree with the proposed broader definition of investigation works permitted under Class G (c) of Part 17 of Schedule 2 of the 1995 Order?

Please provide your reasons: [No comment](#)

Question 32

Do you agree with the introduction of a new permitted development right for electricity undertakers under Class G (c) of Part 17 of Schedule 2 of the 1995 Order, to enable them to build a means of enclosure in accordance with their duties under Article 11 of the Electricity Safety, Quality and Continuity Regulations 2002?

Please provide your reasons: [No comment](#)

Question 33

Are there any other planning issues regarding electricity that you feel are not covered in the questions above and that you wish to raise?

[No comment](#)

Emergency Affordable Housing and Meanwhile Uses

[We believe that changes to permitted development rights is the wrong mechanism to address this issue. Instead planning departments need to be fully resourced to work efficiently and collaboratively to address important issues such as this. The focus should be on making the planning system work and becoming more efficient, not trying to bypass it.](#)

Question 34

Do you agree with the introduction of a new permitted development right in Part 12A for housing meanwhile uses? What should the maximum duration for a meanwhile housing use be?

No

Please provide your reasons:

We recognise the need for temporary accommodation/meanwhile uses, we do not support the introduction of a new permitted development right in Part 12A for housing meanwhile uses, given there is no process for formal public consultation or adequate standards of development are met, including appropriate highway, open space, public transport, education, employment, S106 contributions or drainage. It is vital that even temporary accommodation is located in a sustainable location and embeds placemaking principles. It is unclear how the proposal would sit with LDP development boundaries and areas of flood risk: the proposed permitted development rights could contradict other important WG policy such as TAN15.

Although described as temporary development, the substantial financial investment means that it is highly unlikely to be in place for only a short duration (e.g. 12 months). This discredits the reputation of public bodies.

The reference to planning obligations in the consultation document is insufficient, simply stating “would continue to be provided”. It is unclear what mechanism is available to secure such obligations on a development that does not need planning permission – what is the S106 agreement attached to?

It is vital that affordable homes have access to schools, active travel, public transport provision, local services and employment. Not being able to address these issues at the outset could result in unsustainable development that is not fully integrated into communities or served by services and facilities.

We believe that changes to permitted development rights should not be used to address what, in some cases are highly complex planning and place-based issues, including emergency affordable housing and meanwhile uses. Rather we should address these important issues, holistically and collaboratively, with context specific actions based on strong evidence and data. This way of working requires urgent resourcing and support.

Question 35

In addition to controls on windows for habitable rooms being too close to each other, what other limitations should the meanwhile use permitted development right be subject to?

Please provide your reasons: [See Q34](#). No comment.

Question 36

Do you consider that provision for public consultation should not be included in the new permitted development right for housing meanwhile uses? If no, what mechanism for public publicity or consultation should be included?

No

Please provide your reasons: See Q34. Housing for meanwhile uses could have a significant impact on the surrounding community this must include meaningful public consultation.

It is unclear what purpose this consultation would have if the development in question does not require planning permission.

Such an approach will increase mistrust in public bodies and in the planning system by implying local communities have an opportunity to comment on and shape a proposal when in reality those comments have no status.

If a proposed development requires consultation, it should require planning permission and should not be permitted development.

Question 37

Should development proposals conforming to 'exception site' policies be included within a new class of permitted development right? If no, what are the reasons for not including such policies?

No.

Please provide your reasons: This proposal is trying to fix the problem of uncertainty for stakeholders in completely the wrong way. The focus should be on making the planning system work properly, not trying to bypass it.

The problem that needs to be solved is that local communities do not understand when or how to engage in the planning process at the right time – at LDP stage – and as a result elected members are lobbied about the principle of development at the outline, reserved matters and sometimes even discharge of condition stages. More effective information, more effective community involvement at LDP stage, and more discipline by Planning Committees reinforced by Member training will support a Plan led approach.

Where Committees do debate matters of principle at application stage in relation to allocated sites, leadership is required from the Planning Committee Chair, Head of Planning and legal officer to clarify the remit of the decision-making. If applications on allocated sites are refused in principle, a solution would be to introduce a fast-track appeals process with cost awards where unreasonable behaviour is identified by the independent Inspector.

We refer to the recommendations of the Affordable Housing Taskforce, which set out the need to prioritise and project manage affordable housing schemes:

“1. Local Authorities need to prioritise applications for new affordable homes in recognition of the housing emergency.

2. Each project should be allocated a senior officer to provide Council-wide project management and to coordinate decisions across the local authority. They should be publicly listed as a single point of contact and be responsible for the progress of a scheme – and empowered to make decisions when there are trade-offs to be made within a project” [Affordable Housing Taskforce: report and recommendations | GOV.WALES](#)

As drafted the proposals being consulted on seek to bypass the planning system but create a semi-planning system via prior approval which will not save time, money or make better use of scarce resources, but will instead cause more confusion and uncertainty for practitioners and stakeholders.

Question 38

Should prior approval be a two-stage process whereby the first stage involves scoping the further information required to be submitted?

Please provide your reasons: [See Q34](#). The fact that this question is being asked confirms that the proposed developments are complex and sensitive and require the proper consideration provided via the planning application process.

Question 39

What information should be submitted as part of a prior approval submission (or in a two stage prior approval process, what would be the list of issues a local planning authority would choose from when scoping what should be submitted at the second stage?

Please explain your suggestions: [See Q34](#). The fact that this question is being asked confirms that the proposed developments are complex and sensitive and require the proper consideration provided via the planning application process.

Question 40

How should the level of information submitted be kept proportional to the scale and complexity of the development and be of a lesser requirement than associated with a planning application?

Please explain your suggestions: [See Q34](#).

Question 41

Are there benefits to restrict the house types that can be built under the permitted development rights? If yes, please explain what benefits are envisaged?

Please provide your reasons: [See Q34](#).

Question 42

Will using permitted development rights for the delivery of affordable housing sites lead to time and cost savings compared to taking the same development through the submission of a planning application?

No, for the reasons set out in Q34. There will be resource implications associated with the (potentially two stage) assessment of prior approval information, as well as considerable time resource explaining to communities and elected members why the development did not need planning permission. Significant additional unfunded work will be created in addition to the reputational harm to public bodies as identified above.

Question 43

Are there any other planning issues regarding affordable housing and meanwhile uses that you feel are not covered in the questions above and that you wish to raise?

We believe that the proposals discredit the planning system and removes the ability of LPAs to safeguard lower value uses including community uses, open spaces, industrial sites etc.

For meanwhile housing schemes to be successful, they need to be carefully integrated into the surrounding community, be in sustainable locations close to amenities, and be close to support services for the tenants/occupiers. Poorly thought through, designed, located or managed schemes will risk the public acceptance of affordable housing, storing up significant issues for LDPs and other development proposals that do require planning permission. The idea of bypassing the planning system for such development is shortsighted and inappropriate.

If Welsh Government is minded to proceed with this proposal, this should apply only if there is an up-to-date LDP that has been subject to Sustainability Appraisal (SA), the site in question is allocated, and there is a Local Lettings policy in place to deal with cultural language. It should not apply in areas at risk of flooding as identified in TAN15

Definition of Major Development**Question 44**

Do you agree the number of dwellings in paragraph (c)(i) of the definition of major development should increase to 25?

Please provide your reasons: We support in principle, the increase in the number of dwellings defined as major development.

A change of threshold would change LPAs statutory duties including, press adverts (which could save money for the LPA), allow more proportionality in the future and might also help manage community expectations in relations to what is considered major development. A change in threshold needn't be linked to a Local Authorities Scheme of Delegation, meaning it need not impact or dictate which applications are heard by the Planning Committee.

However, careful thought should be given to the implications for the PACC process. We believe that the PACC process is not currently working in its current format and we could support the introduction of a revised, lighter touch and earlier / less strictly defined PACC process for projects of 10-24 dwellings.

Question 45

If the change to dwelling numbers changed, as outlined in question 9.1, should the site area in paragraph (c)(ii) also change?

Please provide your reasons and if you agree, indicate what would be the appropriate site area.

No comment

Compensation for Future Removal of Permitted Development Rights

Question 46

Are there any other planning issues regarding compensation for future removal of permitted development rights that you feel are not covered in the questions above and that you wish to raise?

No comment

Welsh Language Considerations

Question 47

What, in your opinion, would be the likely effects of the proposals above on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English. Do you think that there are opportunities to promote any positive effects?

It is vital that planning and placemaking encourage the Welsh Language and cultures to thrive. This is explained in RTPI research “Placemaking as if a thriving Welsh language mattered”. [RTPI | Placemaking as if a thriving Welsh language mattered](#)

The ‘[Empowering communities, strengthening the Welsh language](#)’ report from the Commission for Welsh-speaking Communities (2024), and subsequent publication of a dedicated town and country planning report (February 2025) must be considered against the proposals set out in this consultation. [Commission for Welsh-speaking Communities: report on the town and country planning | GOV.WALES](#) The Report of the Commission for Welsh-speaking Communities on Town and Country Planning (February 2025) has made a number of recommendations relating to housing, including that the type and mix of housing in development proposals could have an impact on the Welsh Language.

RTPI Cymru supports addressing Welsh language implications at plan making stage and believes the delivery of high-quality sustainable places with a thriving Welsh language

involves better integration of policy areas and collaboration between linguistic and spatial planners. The RTPI supports the assessment of Welsh language impact as part of the LDP process in supporting the plan-led system in Wales. It is unclear how the permitted development rights for temporary and meanwhile accommodation will comply with this approach. The use of permitted development would remove the ability of the LPA to assess the potential effects on the Welsh Language or ensure that a developer undertakes an assessment of likely significant effects, with no opportunity to mitigate any potential effects.

Do you think that there are opportunities to mitigate any adverse effects?

Temporary and meanwhile accommodation should require full planning permission

Question 48

In your opinion, could the proposals above be formulated or changed so as to:

- have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
- mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

No comment

General Considerations

Question 49

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:

No comment