

Explanatory Memorandum to the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2026

This Explanatory Memorandum has been prepared Planning Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2026. I am satisfied that the benefits justify the likely costs.

Rebecca Evans MS

Cabinet Secretary for Economy, Energy and Planning

11 March 2026

PART 1

Description

1. The Town and Country Planning (General Permitted Development) Order 1995 (the “GPDO”), as amended, allows some development to be undertaken, within certain parameters, without the need to submit a planning application. This is known as “permitted development”.
2. The GPDO currently makes provision for permitted development for the installation of an air source heat pump (ASHP) and the temporary use of land for campsites for 28 days. The Order amends the permitted development for these developments. The Order:
 - Removes the limitation for the installation of an ASHP within 3 metres of a boundary of a property, amongst other changes to permitted development rights for ASHPs, subject to compliance with the Microgeneration Certification Scheme requirements for noise and amenity impact;
 - Extend the temporary use of land for campsites from 28 days to 60 days outside of certain designated landscapes, introduce a prior approval process, and restrict development in areas sensitive to increased camping activity.

Matters of special interest to the Legislation, Justice and Constitution Committee

3. None.

Legislative background

4. The Order is made under powers conferred on the Welsh Ministers by sections 59, 60, 61, 108 and 333 of the Town and Country Planning Act 1990 (TCPA).
5. Section 59 of the TCPA allows the Welsh Ministers to create development orders that grant planning permission for specified developments. Section 60(1) enables planning permission granted by a development order to be granted either unconditionally or subject to such conditions or limitations as may be specified in the order. Section 61(1) enables a development order to make different provision with respect to different descriptions of land. Section 180 provides for compensation for refusal or conditional grant of planning permission formerly granted by a development order. Section 333 sets out provisions dealing with Regulations and Orders.
6. The Order is subject to the Senedd annulment procedure (see Section 333(5B) of the Town and Country Planning Act 1990 and paragraph 5 of Schedule 1A to the Legislation (Wales) Act 2019 (“the 2019 Act”).

Purpose and intended effect of the legislation

7. This legislation is intended to deliver improvements to the functioning of the planning system by enabling development to be pursued without the need for planning permission.
8. The GPDO grants consent for a wide variety of minor forms of development without the need to seek a formal planning decision from the planning authority. This was temporarily extended during the COVID pandemic by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021, which introduced a series of temporary amendments to the GPDO to enable the use of land and buildings, primarily to enable “social distancing” rules during the pandemic. One of these provided an additional 28 days for the temporary use of land for camping, and these changes were in effect during the period of 30 April 2021 to 30 January 2022. The Order seeks to permanently reintroduce an extended period of time for this use of land, to 60 days outside of specified designated landscapes, where the limit of 28 days would remain.
9. The Order also intends to enable the installation of ASHPs in a greater variety of locations. This will promote domestic uptake of renewable energy sources, and also to provide greater certainty to homeowners.

Temporary use of land for camping

10. Class B of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 enables the temporary use of land (other than land defined in class B1) for 28 days, or for 14 days for uses identified in class B2. Use of land for camping is not identified within class B2 and therefore is captured by class B1.
11. The Order seeks to introduce a new sub-class for camping, which is further sub-categorised by land designations. Within certain land designations, land will continue to be permitted to be used for campsites for 28 days. Outside of those designations, land will be permitted to be used for a campsite for 60 days.
12. In both cases, prior approval of the planning authority will be required for matters relating to toilet and wastewater facilities, disposal of waste and wastewater, and means of access and egress from the highway. In both cases, development will not be permitted within 100 metres of a protected building other than for the use of any private way. The detail of what constitutes a protected building is set out on the face of the Order.
13. If the local planning authority does not respond to a request for prior approval within 28 days then development may proceed.

Compensation for loss of permitted development rights relating to campsites

14. Planning authorities are currently liable to pay compensation for the loss of planning permission arising from the withdrawal of permitted development rights. The Town and Country Planning (Compensation) (Wales) (No.2) Regulations 2014 sets out amended compensation limits for the loss of permission. These amended limits apply to all new permitted development rights.
15. The Order amends the 2014 Regulations to include circumstances where loss of this right arises through the withdrawal of permission for the use of land for camping.

Air Source Heat Pumps

16. Permitted development rights for ASHPs are set out in Class G (the installation, alteration or replacement of an air source heat pump) of Part 40 of Schedule 2 to the 1995 Order as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012.
17. These regulations amend part 40, class G to PDRs for ASHPs as follows:
 - Removing the requirement for ASHPs to be installed solely for heating purposes;
 - Removing the requirement for ASHPs to be installed a minimum of 3 metres from a boundary;
 - Updating the requirement to comply with the MCS 020 micro certification scheme to MCS 020(a) and (b);
 - The size of ASHP permitted has been increased to 1.5m³ and 1m³ for a dwelling house and a block of flats respectively;
 - Increasing the limit of the number of ASHPs which may be installed for detached dwellings from 1 to 2; and
 - Permitting the installation of a wall mounted ASHP on a ground floor level wall which fronts a highway, unless the site is within a conservation area.

Consultation

18. Two consultations were undertaken in relation to these changes:
19. Between November 2021 and February 2022, the Welsh Government [consulted on a series of proposals designed to alleviate the impact of the COVID pandemic](#). Permanent retention of all those temporary changes was well supported, with the exception of those relating to temporary campsites.
20. A further consultation confirming our intent to proceed with the permanent retention of those changes, as well as proposed revisions to

permitted development rights for temporary campsites, and new proposals relating to air source heat pumps, was conducted between April and July 2025.

21. The Government's response to feedback from those consultation exercises can be found at <https://www.gov.wales/changes-permitted-development-rights>. There was broad agreement for the changes, and additional detail identified from stakeholder feedback has been incorporated into these proposals as set out in the Government response. These include the duty to have regard to the statutory purposes of National Parks and the Conservation of Habitats and Species Regulations 2017.
22. We consider the introduction of a prior approval process for the confirmation of campsites by the relevant local planning authority enables National Parks to apply their statutory duties as and when circumstances arise where a campsite might adversely affect either the integrity of a protected site, or the statutory purposes of a National Park, and to make use of either the requirement for a planning application, or the introduction of a Direction under Article 4(1) of the 1995 Order restraining the use of permitted development rights.
23. The Order proposes differing coming into force dates for the proposed changes. Those provisions relating to ASHPs will come into force on 1 June. This enables these changes to take effect as soon as is reasonably practicable.
24. Changes relating to temporary campsites are proposed to come into force on 1 September. Campsite operators will seek reassurance that changes to permitted development rights mid-season would not adversely affect income. The coming into force date of 1 September enables campsite operators to make effective use of current permitted development rights at the start of the season, before the introduction of changes. It also provides sufficient time for campsite operators to seek prior approval for use of additional days granted by these PDR amendments at the tail end of the camping season.

PART 2 – REGULATORY IMPACT ASSESSMENT

Options

1. The Town and Country Planning (General Permitted Development) Order 1995 grants consent for a series of small or minor development types without the need to seek planning permission. These are commonly known as permitted development rights. The 1995 Order has been amended several times, including independently for England and Wales.
2. Our proposals for revisions to permitted development rights are intended to remove the requirement to seek planning permission for some minor forms of development. These are to be included within the scope of permitted development rights because they are deemed to be of minimal consequence and take a disproportionate amount of public sector resource to consider such applications. In addition, the development enabled by these changes is in accordance with the Welsh Government's broader policy commitments in two separate areas:
 - Enabling the easier installation of Air Source Heat Pumps (AHSPs) promotes the uptake of renewable energy sources; and
 - Increasing the number of days for which land can be used for camping from 28 days to 60 days. Introducing a prior approvals process for waste and waste water management, and highways access, enables Local Planning Authorities (LPAs) to assess the potential impacts of development proposals and discharge their duties under various forms of legislation.
3. This Regulatory Impact Assessment considers two options:
 - Option 1 – permitted development rights would remain unchanged and planning permission would be required for the additional development set out in our proposals.
 - Option 2 – expand the relevant permitted development rights as outlined in the Explanatory Memorandum to enable these development types.
4. Option 2 is the favoured option.

Costs and benefits

5. The sectors most likely to be affected by the proposals include:
 - a. Businesses and organisations who want to operate temporary campsites on their land to gain additional revenue.
 - b. Local Planning Authorities (LPA) – Wales has 25 Local Planning

Authorities which determine applications for planning permission. 22 of these are the unitary authorities, with the national park authorities, who provide their own town planning function, accounting for the remaining 3. LPAs consider and determine the planning applications for campsites and ASHPs.

- c. General public who want to install an ASHP, or may be located near a campsite.
6. The following cost and benefit analysis has been undertaken for each of the above sectors:

Costs Analysis for Option 1 – do nothing

Businesses and organisations

7. Planning permission will continue to be required for development. The planning fee for a planning application varies based on the type of development. There will be additional associated costs for the preparation of the necessary supporting information. A [benchmarking study undertaken in England](#), estimated the total cost of submitting a change of use application. These costs, which have been updated to 2025-26 prices using the GDP deflator series, range from £445 to £5,155 with an average cost of £1,905 and a median cost of £1,585.
8. A number of variables had an impact on these costs, including the use of a professional planning consultant, the use of existing plans submitted as part of previous schemes, and the savings incurred by submitting applications electronically. The Welsh Government believes the costs identified in this study remain representative of a) the costs likely to be incurred in Wales and b) the costs likely to be incurred for an application for this scale of development.

Local Planning Authorities

9. LPAs will continue to validate, process and determine applications for planning permission and this will attract the relevant planning fee. Each application will need to be publicised, and a site visit undertaken. The application will be determined in accordance with the relevant LPA scheme of delegation which may entail the application being determined by the planning committee.
10. The planning fee paid is intended to offset the LPAs costs in determining the application. However the [Explanatory Memorandum and Regulatory Impact Assessment for changes to planning fees](#) identified that some application fees do not effectively resource the cost of delivering the planning service.
11. LPAs have advised Welsh Government that existing records for temporary campsites are unreliable and it is not clear to them how many such sites are in operation, or where. In cases where use of land for a temporary

campsite might have an adverse impact on a protected site, this risk would continue to go unaddressed. LPAs have also advised Welsh Government that existing records for ASHP are unreliable as the development often occurs alongside other works.

General public

12. As at present, any member of the public wishing to install an ASHP within 3 metres of the boundary of their property will need to apply for planning permission. This is normally a “householder” planning application, the fee for which will be £585 or £283 from 1 December 2025. There will be additional optional costs, including the services of a professional planning consultant if required, or the use of existing plans submitted as part of previous schemes, and the savings incurred by submitting applications electronically. The benchmarking study undertaken in England identified the total cost of submitting a householder development application varied from £150 to £2,900, with a mean average cost of £1,187 and a comparable median cost of £1,127.

Benefits Analysis for Option 1 – do nothing

Businesses and organisations

13. Businesses retain the ability to operate a temporary site of up to 28 days. This includes enabling camping inside the 100m exclusion zone proposed in option 2. Beyond this they will continue to face uncertainty and resource challenge whilst consideration is being given to planning applications for largely inconsequential development.

Local Planning Authorities

14. There are no additional benefits for LPAs from this option.

General public

15. Any member of the public with views on any type of development encompassed by the proposed changes would continue to be able to make their views known on the matter so they could be taken into account by the relevant LPA when it decides whether or not to grant planning permission.

16. Where camping operates inside the 100m exclusion zone proposed in option 2, householders may continue to be negatively affected by the development. **Costs analysis for option 2**

Businesses and organisations

17. The cost of the planning application is no longer paid for development in option 2 to occur, with an average cost saving of £1,905 and a median cost of £1,585.

18. Further, a campsite is able to operate longer without the need for

permission, which will enable greater income to be generated.

19. The introduction of an “exclusion zone” of 100 metres around a protected building other than for the use of any private way, within which land cannot be used for campsites, has the effect of withdrawing consent where it currently exists. As a consequence, planning permission will be required in these circumstances. As no statistical information exists on the number of such sites it will not be possible to estimate an aggregate cost. The cost of submitting a planning application may vary depending on the area of land and the complexity of the issues presented, although the costs associated with change of use applications is set out in para 7 above.
20. We do not intend to introduce a fee for the processing of camping prior approval requests. The prior approval form will be designed to be as “light touch” as possible to reduce the administrative time involved in processing the requests. We will monitor the volume of such applications following the introduction of the procedure and review the need for a fee.

Local Planning Authorities

21. LPAs will cease to receive the planning fees associated with these application types. This is a transfer of costs from the applicant (either business for campsites, or the householder for ASHP). This loss of revenue is considered to be offset by the fact they no longer have to process and determine the application. This is compounded by the application fees not covering costs of some application.
22. We have sought statistical information from LPAs about the number of planning applications for the types of development permitted by these changes.
23. Only Pembrokeshire Coast NPA provided substantive information on camping applications which would be affected by this legislation. It received six planning applications for tented camping sites between 2019 and 2025 – one each in 2019 to 2022, two in 2023 and none since. Three were approved, two were refused and one was withdrawn by the applicant.
24. The Park Authority also received two applications for permission to convert a barn into a wet weather shelter for a camping site – one in 2023 and one in 2024. Such works would not be permitted under the proposed changes to permitted development rights and would still require planning permission.

25. The Park Authority also provided evidence it used to underpin its recent proposals for an Article 4(1) Direction, which identified cases where campsites were introduced without seeking appropriate planning permission, as follows:

2019	1
2020	2
2021	4
2022	3
2023	4
2024	0
2025	1

26. As these figures illustrate, very few applications are submitted exclusively for campsites, even in an area like the Pembrokeshire Coast National Park Authority where campsites are likely to be an attractive form of rural diversification. Rather it is more likely that an application will include provision for caravan infrastructure which is not proposed to be amended by these changes to regulations. LPAs will in future, however, receive applications for prior notification of approval of temporary campsites. They do not currently receive such applications. The number of such campsites is not known, so it is not possible to anticipate the volume of such applications, or the amount of resource required to facilitate consideration of those prior approval requests. The handling of those applications will call on staff resource which is not possible to quantify currently. We will keep the volume of such prior approval requests under review and consider whether the administrative workload required to process them justifies an associated fee.

27. As a part of their regulatory function, LPAs expend resource on enforcement of planning control. This includes checking on unregistered campsites and taking enforcement action as necessary. Enforcement work is resource intensive and the movement to a prior notification process will both bring more sites to the attention of LPAs and enable them to take a proactive approach to environmental management issues arising from proposed campsites.

28. The prior approval process, including the application form, will be designed in partnership with stakeholders to require the minimum information necessary to enable LPAs to quickly and effectively process these requests, whilst also flagging early where formal planning permission should be sought.

29. LPAs were also asked to provide statistical information to indicate the volume of applications associated with the installation of ASHPs within 3 metres of the boundary of a property between April 2019 and March 2025. 6 LPAs provided statistics on applications where ASHPs were a significant component of the proposal. Of these, only Merthyr Tydfil CBC was able

to quantify whether the proposed ASHP was within 3 metres of the boundary of the relevant property (4 of 6).

LPA	Received	Approved	Refused
Cardiff CC	36	35	1
Neath Port Talbot CBC	14	14	0
Caerphilly CBC	22	17	4
Merthyr Tydfil CBC	6	6	0
Newport CC	26	22	2
Ynys Mon CC	119	99	0

30. LPAs advised anecdotally in their specific responses that installation of ASHPs was typically included as a factor in a broader planning application; in such circumstances, the nature of the proposed development would still require planning permission, and so the introduction of the proposed changes would not adversely affect consideration of those issues.

31. LPAs also have the ability to withdraw permitted development rights for either proposal in option 2. This was recently done by Pembrokeshire Coast National Park Authority in relation to campsites, by issuing a Direction under Article 4(1) of the 1995 Order. The effect of such a Direction is that the relevant development types must be subject to a planning application, which attracts a staff resource to process but not a planning fee. Directions must also be subject to statutory processes including consultation. Park Authority officers advised us that the costs associated with development and implementation for its proposed Direction amounted to approximately £21,500.

32. The possibility of an LPA introducing Article 4(1) Direction, and the potential for costs associated with it, is a decision for any respective LPA and cannot be assessed at this point.

General public

33. The cost of the planning application is no longer paid for development in option 2 for ASHP to occur, with an average cost saving of £1,187 and a comparable median cost of £1,127.

Benefits Analysis for Option 2

Businesses and organisations

34. Rural enterprises will enjoy greater opportunity for rural diversification over an extended period of time, subject to prior approval of various details by the LPA.

Local Planning Authorities

35. LPAs will be required to invest less time in considering many cases of minor development where there is no or inconsequential impact on public amenity, freeing up that resource to consider other planning cases. They will also benefit from increased awareness of the use of land for temporary campsites, which will enable them to discharge their duties more effectively, including the need to consider the impact of intensified temporary rural land uses on public amenity.
36. The conservation of Habitats and Species Regulations 2017 requires LPAs to consider the impact of plans or projects on European protected sites, either alone or in combination. Natural Resources Wales has identified a number of such sites are demonstrating negative results from nutrients present in the water, which are triggering a biological response. Several river SACs are already identified as experiencing this issue, and most recently this has also included three marine SACs.
37. There are popular areas for camping within and near these locations where uncontrolled or untreated wastewater discharge may be a contributing factor to the nutrient condition of those SACs. The introduction of a prior approval process will bring such sites to the attention of LPAs, and enable them to address the need to effectively monitor and, if necessary, prevent the discharge of nutrients into the watercourse.

General public

38. Property owners will have greater certainty about the ability to proceed with installation of ASHPs within greater proximity of the boundary of a dwelling, because they will not need to apply for planning permission.
39. Holiday makers in Wales will have increased opportunity of provision for temporary camping locations. Meanwhile, homeowners within 100 metres proximity of campsites will have their amenity protected by the introduction of an exclusion zone, within which planning permission must be sought for campsites.
40. Additional permitted development opportunities means members of the public will not be able to object to the undertaking of these forms of development unless the LPA sees fit to introduce an Article 4(1) Direction, restricting the use of these specific permitted development rights.

Competition Assessment

41. A competition filter test has been applied to the proposed amendments. The results of the test suggest that the proposals are unlikely to have any significant detrimental effect on competition.

Post implementation review

42. The Welsh Government maintains regular contact with key planning stakeholders on an ongoing basis. As part of this engagement, we will review the impact of these changes, taking account of any issues or concerns with the arrangements introduced by the new secondary legislation. This will specifically include the monitoring of the costs associated with the prior approval process and the need to introduce a fee. Members of the Senedd and the public will also provide evidence of the effectiveness of the new arrangements.
43. A further series of amendments to the 1995 Order is intended, reflecting the other issues consulted upon in 2025. The Welsh Government will ensure any revisions to these changes evidenced as necessary as a part of this post-implementation review are incorporated into the next series of changes to the 1995 Order.