



OFFERYNNAU STATUDOL  
CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2016 Rhif 28 (Cy. 10)**

**2016 No. 28 (W. 10)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2016

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2016

**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 datblygiad.

Mae erthygl 2(2) yn diwygio Dosbarth Defnydd C3 (tai annedd) er mwyn:-

(1) cynnwys diffiniad o "single household" sy'n gymwys i Ddosbarth C3(a) yn unig;

(2) diddymu o gwmpas Dosbarth C3(c) dai amlfeddiannaeth sy'n dod o dan y Dosbarth C4 newydd.

Mae erthygl 2(3) yn cyflwyno Dosbarth Defnydd C4 newydd (tai amlfeddiannaeth) sydd, yn ddarostyngedig i eithriad, yn cynnwys defnyddio tŷ annedd fel tŷ amlfeddiannaeth fel y'i diffinnir yn adran 254 o Ddeddf Tai 2004. Yn fras, mae'r defnydd hwn yn digwydd pan fo llety preswyl o dan denantiaeth wedi ei feddiannu gan 3 i 6 o bobl fel eu hunig neu brif breswylfa, nad ydynt yn perthyn i'w gilydd ac sy'n rhannu un neu ragor o amwynderau sylfaenol.

**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 as development do not require planning permission.

Article 2(2) amends Use Class C3 (dwellinghouses) to:-

(1) include a definition of "single household" which only applies to Class C3(a);

(2) remove from the scope of Class C3(c) houses in multiple occupation falling in new Class C4.

Article 2(3) introduces new Use Class C4 (houses in multiple occupation) which, subject to an exception, covers use of a dwellinghouse as a house in multiple occupation as defined in section 254 of the Housing Act 2004. In broad terms, this use occurs where tenanted living accommodation is occupied by 3 to 6 people as their only or main residence, who are not related and who share one or more basic amenities.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Gorchymyn hwn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.

**2016 Rhif 28 (Cy. 10)**

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THREF, CYMRU**

**Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2016**

*Gwnaed* 13 Ionawr 2016  
*Yn dod i rym* 25 Chwefror 2016

Mae Gweinidogion Cymru, drwy arfer y 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.

**Enwi, cychwyn a chymhwyso**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) (Diwygio) (Cymru) 2016 a daw i rym ar 25 Chwefror 2016.

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

**Diwygio Gorchymyn Cynllunio Gwlad a Thref  
(Dosbarthiadau Defnydd) 1987**

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(3) wedi ei ddiwygio fel a ganlyn.

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- (1) 1990 p. 8.  
(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), gweler y cofnodion priodol yn Atodlen 1. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi.  
(3) O.S. 1987/764 a ddiwygiwyd gan O.S. 1994/724 ac O.S. 2006/1386 (Cy. 136). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Gorchymyn hwn.

**2016 No. 28 (W. 10)**

**TOWN AND COUNTRY  
PLANNING, WALES**

**The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2016**

*Made* 13 January 2016  
*Coming into force* 25 February 2016

The Welsh Ministers, in exercise of the 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.

**Title, commencement and application**

1.—(1) The title of this Order is the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 and it comes into force on 25 February 2016.

(2) This Order applies in relation to Wales.

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

2.—(1) The Town and Country Planning (Use Classes) Order 1987(3) is amended as follows.

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- (1) 1990 c. 8.  
(2) The functions of the Secretary of State were transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), see the appropriate entries in Schedule 1. The functions of the National Assembly for Wales 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).  
(3) S.I. 1987/764 amended by S.I. 1994/724 and S.I. 2006/1386 (W. 136). Other amendments are not relevant to this Order.

(2) Yn Rhan C o'r Atodlen, yn lle Dosbarth C3 rhodder—

**“Class C3. Dwellinghouses**

Use as a dwellinghouse (whether or not as a sole or main residence) 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
- (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 C3**

For the purposes of Class C3(a) “single household” is to be construed in accordance with section 258 of the Housing Act 2004(1).”

(3) Yn Rhan C o'r Atodlen, ar ôl Dosbarth C3 mewnosoder—

**“Class C4. Houses in multiple occupation**

Use of a dwellinghouse by not more than six residents as a house in multiple occupation.

**Interpretation of Class C4**

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”

Y Gweinidog Cyfoeth Naturiol, un o Weinidogion Cymru  
13 Ionawr 2016

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(1) 2004 p. 34. Mae adran 254 o Ddeddf Tai 2004 hefyd yn berthnasol.

(2) In Part C of the Schedule, for Class C3 substitute—

**“Class C3. Dwellinghouses**

Use as a dwellinghouse (whether or not as a sole or main residence) 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
- (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 C3**

For the purposes of Class C3(a) “single household” is to be construed in accordance with section 258 of the Housing Act 2004(1).”

(3) In Part C of the Schedule, after Class C3 insert—

**“Class C4. Houses in multiple occupation**

Use of a dwellinghouse by not more than six residents as a house in multiple occupation.

**Interpretation of Class C4**

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”

*Carl Sargeant*

Minister for Natural Resources, one of the Welsh Ministers  
13 January 2016

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(1) 2004 c. 34. Section 254 of the Housing Act 2004 is also relevant.







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