

IMPORTANT NOTE

This consolidated version of the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 [SD 2019/0459] has been prepared for information purposes only. While every reasonable effort has been made to ensure the changes have been properly incorporated it cannot be guaranteed that it is free of errors.

This document includes the amendments made by –

- TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT AND CHANGE OF USE) (AMENDMENT) ORDER 2020 [SD 2020/0349]

The amendments are in **GREEN TEXT** for ease of reference.

Statutory Document No. 2019/0459

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Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (CHANGE OF USE) (DEVELOPMENT) (NO. 2) ORDER 2019

Approved by Tynwald: 19 November 2019
Coming into Operation: in accordance with article 2

The Cabinet Office makes the following Order under section 8(1), (2), (3) and (4) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019.

2 Commencement

If approved by Tynwald¹, this Order comes into operation —

- (a) for the purposes of articles 1, 2, 3 and 7, on the 31 December 2019; and
- (b) for all other purposes, immediately following the coming into operation of the Town and Country Planning (Use Classes) Order 2019².

3 Interpretation

(1) In this Order —

“**the Act**” means the Town and Country Planning Act 1999;

“**childminder**” means a person acting as a childminder within the meaning of section 21(3) of the Regulation of Care Act 2013;

“**highway**” means a highway maintainable at the public expense within the meaning of section 3 of the Highways Act 1986 (or as subsequently amended or replaced) and any part of such a highway;

¹ Tynwald approval required under section 44(1) of the Town and Country Planning Act 1999.

² SD 2019/0392.

~~“primary window” means a main window serving a ground floor living room, a dining room, a kitchen which includes dining facilities or a conservatory; and~~

“primary window” means a main window serving —

- (a) a living room;
- (b) a dining room; or
- (c) a kitchen that includes dining facilities; and¹

“specified land” means the areas of land shown edged red in the maps set out in Schedule 2 to this Order³.

- (2) In this Order a reference to a numbered use class is to the class bearing that number as prescribed in the Schedule to the Town and Country Planning (Use Classes) Order 2019⁴.

4 Planning approval for certain changes of use

- (1) Subject to paragraph (2), planning approval is granted for the classes of development specified in Schedule 1 to the extent and subject to the conditions or limitations specified in that Schedule.
- (2) Planning approval is not granted for a change of use which contravenes any condition lawfully imposed on the grant of planning approval for development of land or buildings.

5 Transitional provisions

Any planning application received by the Department before this Order comes into operation is to be determined as if this Order had not been made.

6 Consequential Amendments to the Town and Country Planning (Permitted Development) Order 2012

- (1) The Town and Country Planning (Permitted Development) Order 2012⁵ is amended as follows.
- (2) In Article 4 —
 - (a) omit paragraph (3); and
 - (b) in paragraph (4), for “Paragraphs (1) to (3)” substitute «Paragraphs (1) and (2)».
- (3) In Article 5(1), for “If the Department is satisfied that any of the operations or changes of use specified in Schedules 1, 2 and 3” substitute

³ Maps not to scale.

⁴ SD 2019/0392.

⁵ SD 0254/2012.

«If the Department is satisfied that any of the operations specified in Schedule 1 and 2».

- (4) Schedule 3 is revoked.

7 **Revocation**

The Town and Country Planning (Change of Use) (Development) Order 2019⁶ is revoked.

MADE 7 NOVEMBER 2019

CHRIS THOMAS
Minister for Policy and Reform

⁶ SD 2019/0394.

SCHEDULE 1

[Article 4]

APPROVED DEVELOPMENT

PART 1 – CHANGES OF USE (SPECIFIED LAND ONLY)

TABLE 1

Class of development	Conditions or limitations
<p>Class 1 – Change of use to shops, financial and services or food and drink</p> <p>The change of use of a building which is located within an area specified in Schedule 2 from a use –</p> <ul style="list-style-type: none"> (a) falling within Use Classes 1.1 (Shops), 1.2 (Financial and professional services), 1.3 (Food and Drink) or 1.4 (Hot Food Takeaway); (b) as a pay day loan shop or a betting office/shop; (c) falling within Use Class 2.1 (Office); (d) falling within Use Classes 3.1 (Hotels and guest houses), 3.2 (Hospitals, nursing homes and residential institutions), 3.3 (Dwellinghouses), 3.4 (Flats) or 3.5 (Houses in multiple occupation); or (e) falling within Class 4.1 (Clinics or health centres), Class 4.2 (Childcare or education), Class 4.3 (Other community facilities) or Class 4.4. (Assembly and leisure), <p>to a use falling within Use Classes 1.1 (Shops), 1.2 (Financial and professional services) or 1.3 (Food and Drink), or any combination of such uses.</p>	<p>No customer shall be permitted to remain within the relevant building or land after 9pm on any day.</p>

Class of development	Conditions or limitations
<p>Class 2 – Change of use to flats or offices (1st floor or above) The change of use of a building (excluding the ground floor or basement) which is located within an area specified in Schedule 2 from a use –</p> <ul style="list-style-type: none"> (a) falling within Use Classes 1.1 (Shops), 1.2 (Financial and professional services), 1.3 (Food and Drink), or 1.4 (Hot Food Takeaway); (b) use as a pay day loan shop or a betting office/shop; (c) falling within Use Class 2.1 (Office); (d) falling within Use Classes 3.1 (Hotels and guest houses), 3.2 (Hospitals, nursing homes and residential institutions), 3.3 (Dwellinghouses), 3.4 (Flats) or 3.5 (Houses in Multiple Occupation); or (e) falling within Class 4.1 (Clinics or health centres), Class 4.2 (Childcare or Education), Class 4.3 (Other Community Facilities) or Class 4.4. (Assembly and Leisure), <p>to a use falling within Use Classes 2.1 (Office) or 3.4 (Flats), or any combination of such uses.</p>	<ol style="list-style-type: none"> 1 The development shall not result in there being more than 7 flats within a building. 2 No flat shall be created which does not have independent access (internal or external) from the primary frontage. 3 No flat shall be created which does not have an outlook which includes a view of a highway from at least one primary window. 4 No flat shall be created which does not have suitable bin or bicycle storage provision. 5 No development shall be approved under this class which results in the loss of 500 square metres or more of retail floorspace.

PART 2 – RESIDENTIAL AND TOURISM CHANGE OF USE (ALL ISLAND)

TABLE 2

Class of development	Conditions or limitations
<p>Class 3 – Guest houses and taking in guests The change of use from a use falling within use classes 3.1 (Hotels and guest house), 3.3 (Dwellinghouses) or 3.5 (Houses in multiple occupation) to a use falling within 3.3 (Dwellinghouses), or a combined use as 3.1 and 3.3.</p>	<ol style="list-style-type: none"> 1 A change of use from use class 3.1 to 3.3 is not approved if the building in question is in an area which is not indicated in a development plan as an area of residential use or predominantly residential use. 2 The change of use to a combined use of use classes 3.1 and 3.3 is not approved if more than 3 bedrooms in the building may be used by guests.
<p>Class 4 – Use of two or more dwellinghouses as a single dwellinghouse The change of use of a building from use as two or more dwellinghouses to use as a single dwellinghouse.</p>	

Class of development	Conditions or limitations
<p>Class 5 – Working from home The change of use of a building from use as a dwellinghouse (Use Class 3.3) to combined use as a dwellinghouse and by the householder as an office for conducting any business.</p>	<ol style="list-style-type: none"> 1 A change of use within this Class is not approved if the business involves persons other than the householder working in or calling at the building. 2 No sign advertising the business or indicating its nature may be placed on the exterior, or within the curtilage, of the building or otherwise so as to be visible from outside the building.
<p>Class 6 – Childminding The change of use of a building from use as a dwellinghouse (Use Class 3.3) to combined use as a dwellinghouse and by the householder as a childminder.</p>	<ol style="list-style-type: none"> 1 No more than 6 children (including children of the householder) may be looked after at any time. 2 No sign advertising any activity as a childminder or indicating its nature may be placed on the exterior, or within the curtilage, of the building or otherwise so as to be visible from outside the building.

PART 3 – INDUSTRIAL AND MISCELLANEOUS CHANGE OF USE (ALL ISLAND)

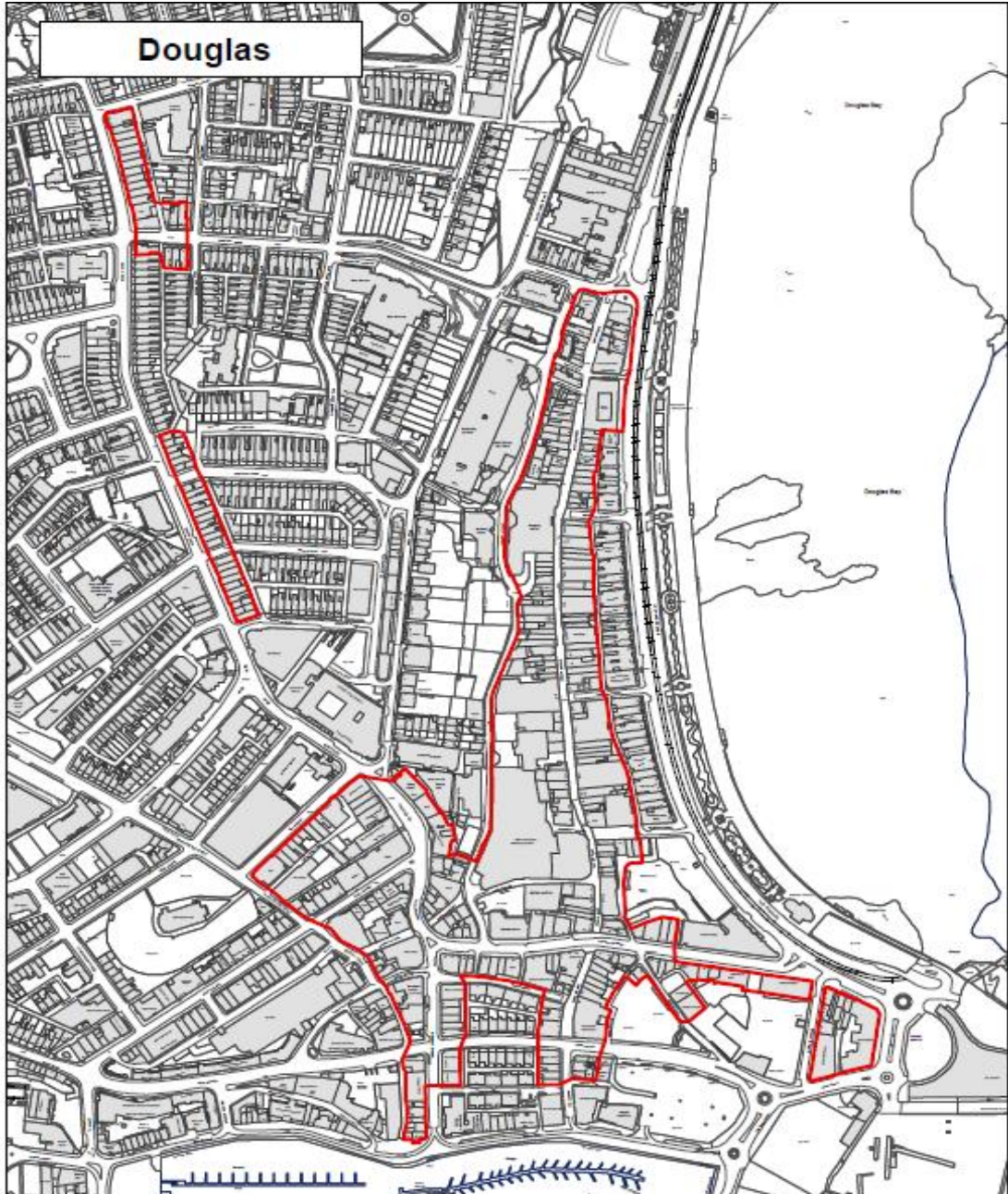
TABLE 3

Class of development	Conditions or limitations
<p>Class 7 – Industrial The change of use from a use falling within use class 2.3 (General industrial) to a use falling within Use Class 2.2 (Light industry and research & development).</p>	
<p>Class 8 – Afforestation The afforestation of any land</p>	<p>A change of use within this class is not approved if the area of the land, together with any adjoining land being afforested at or about the same time, exceeds 0.5ha.</p>

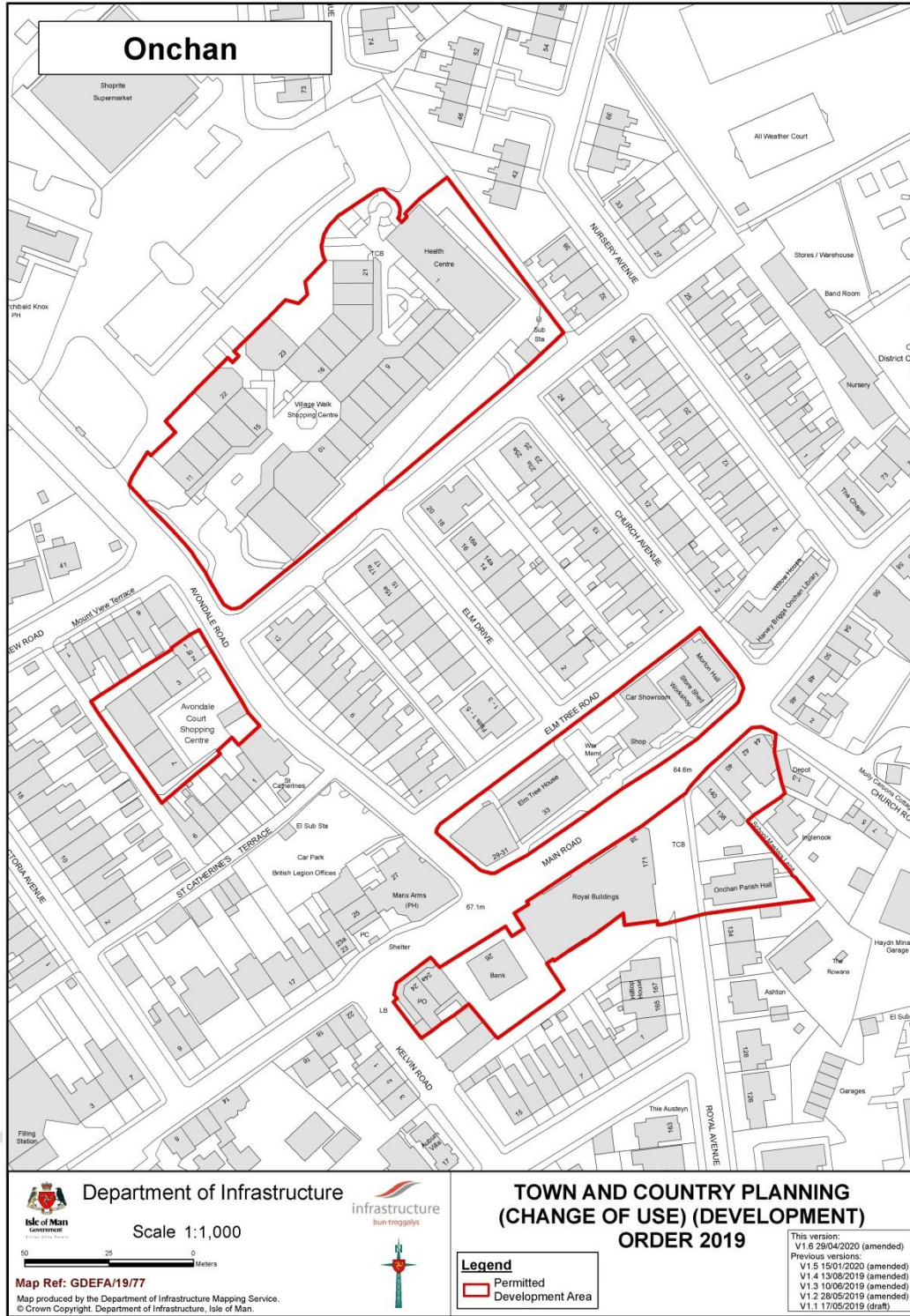
SCHEDULE 2

[Article 3]

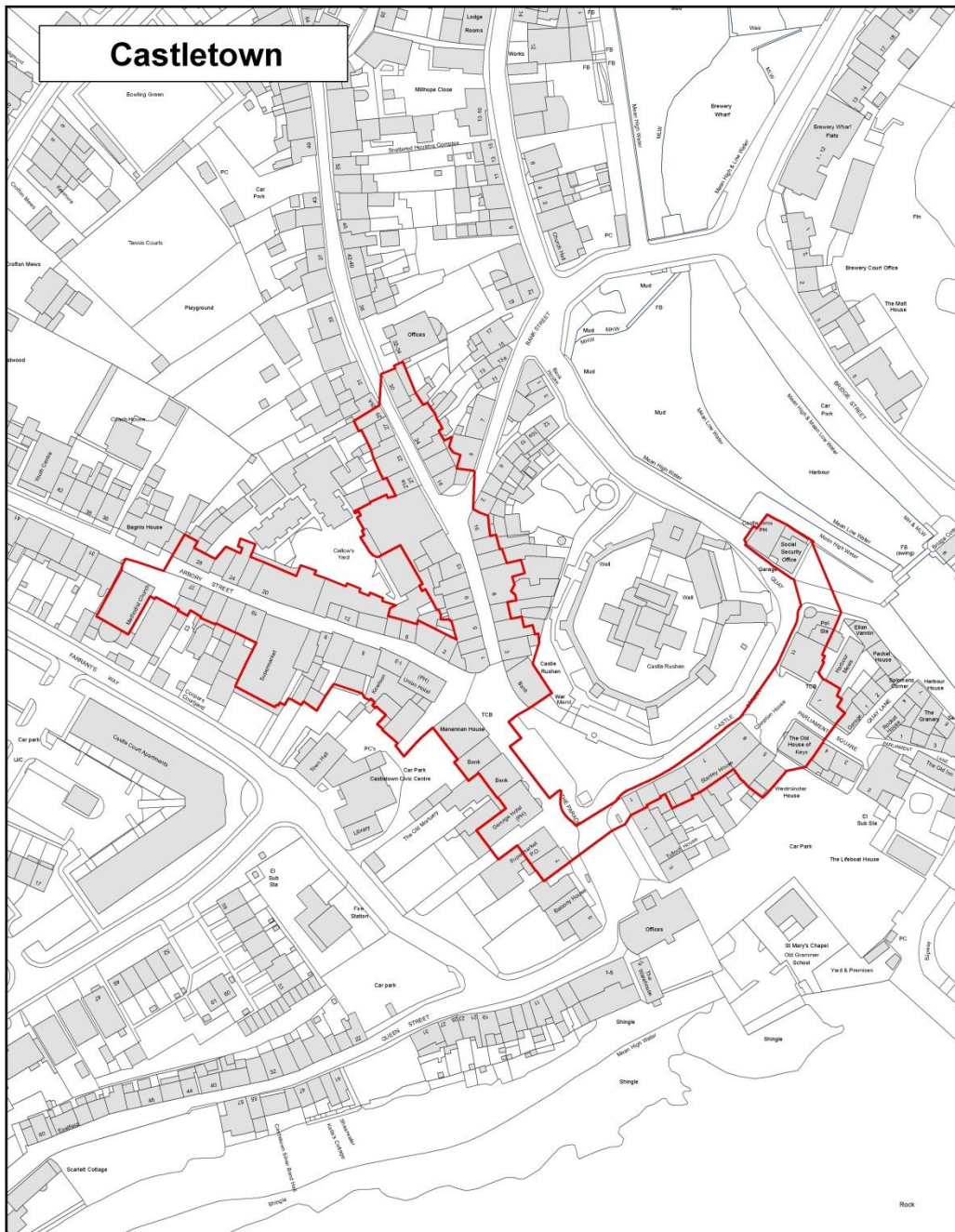
DOUGLAS MAP



ONCHAN MAPⁱⁱ

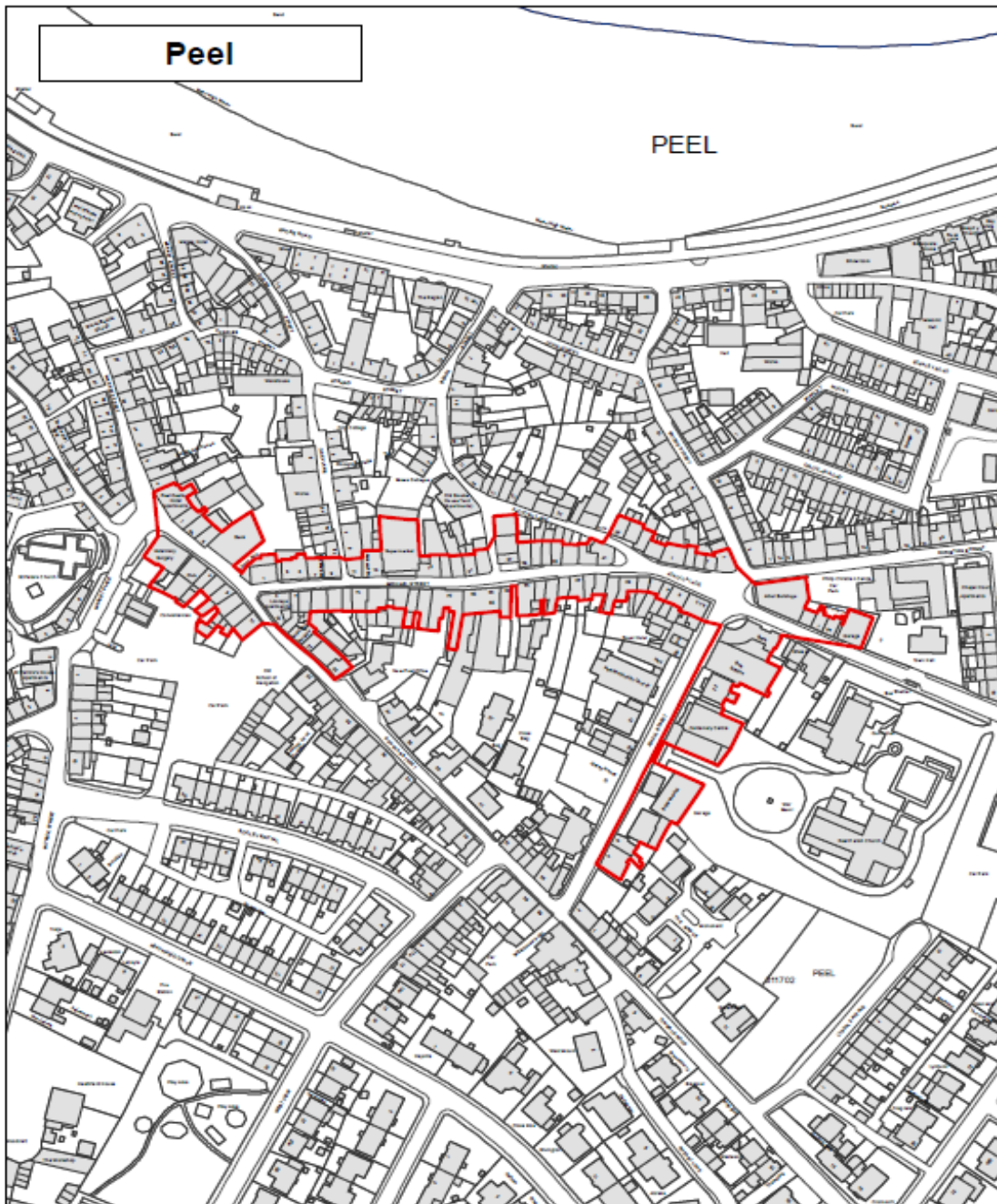


CASTLETOWN MAPⁱⁱⁱ

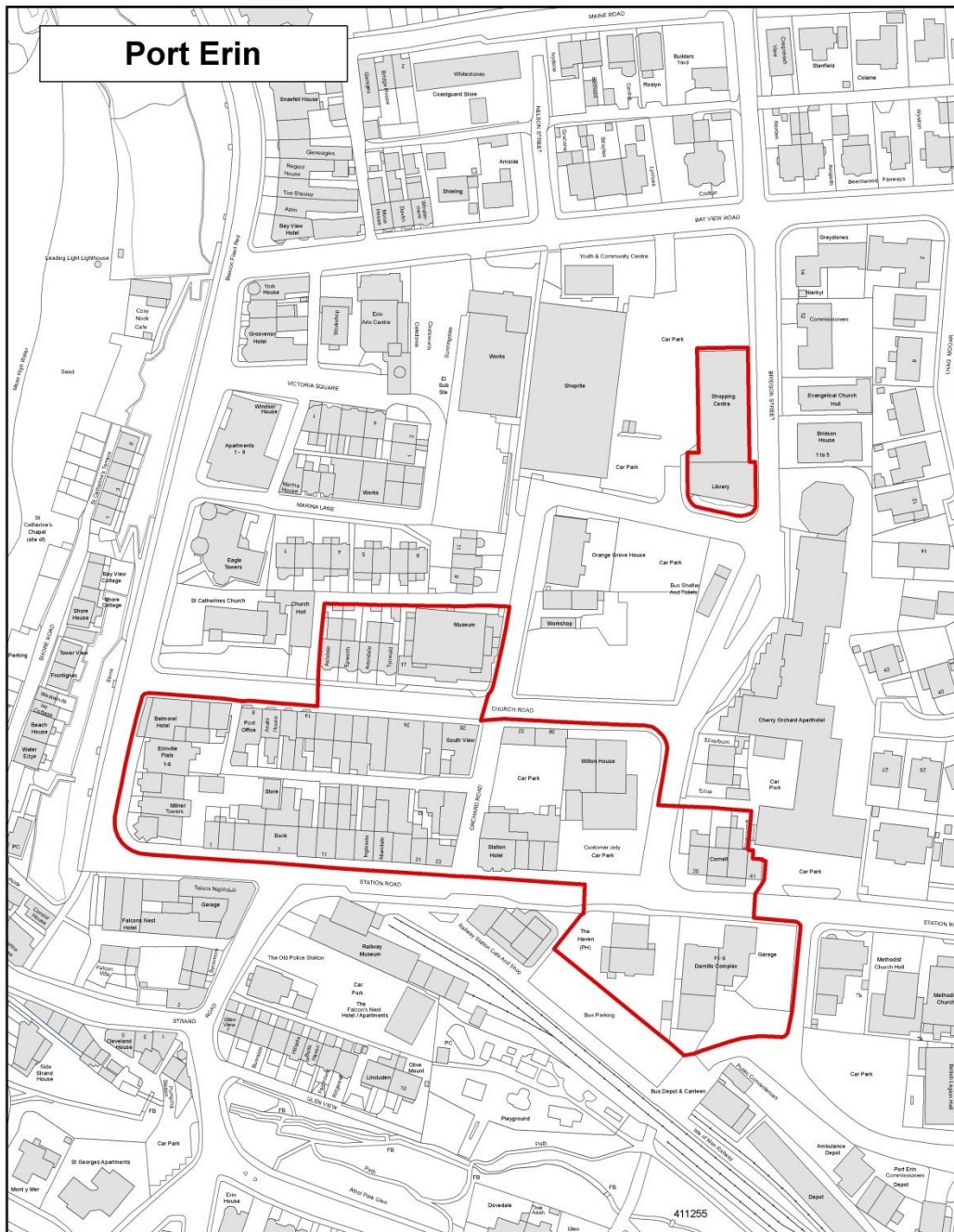


<p>Isle of Man Government</p>	<p>Department of Infrastructure</p> <p>Scale 1:1,250</p> <p>Map Ref: GDEFA/19/77</p> <p>Map produced by the Department of Infrastructure Mapping Service. © Crown Copyright, Department of Infrastructure, Isle of Man.</p>	<p>TOWN AND COUNTRY PLANNING (CHANGE OF USE) (DEVELOPMENT) ORDER 2019</p> <p>Legend</p> <p> Permitted Development Area</p>	<p>This version: V1.6 29/04/2020 (amended) Previous versions: V1.5 15/01/2020 (amended) V1.4 13/08/2019 (amended) V1.3 10/05/2019 (amended) V1.2 28/05/2019 (amended) V1.1 17/05/2019 (draft)</p>
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PEEL MAP



PORT ERIN MAP^{iv}





Department of Infrastructure
Isle of Man Government



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**TOWN AND COUNTRY PLANNING
(CHANGE OF USE) (DEVELOPMENT)
ORDER 2019**

Scale 1:1,250



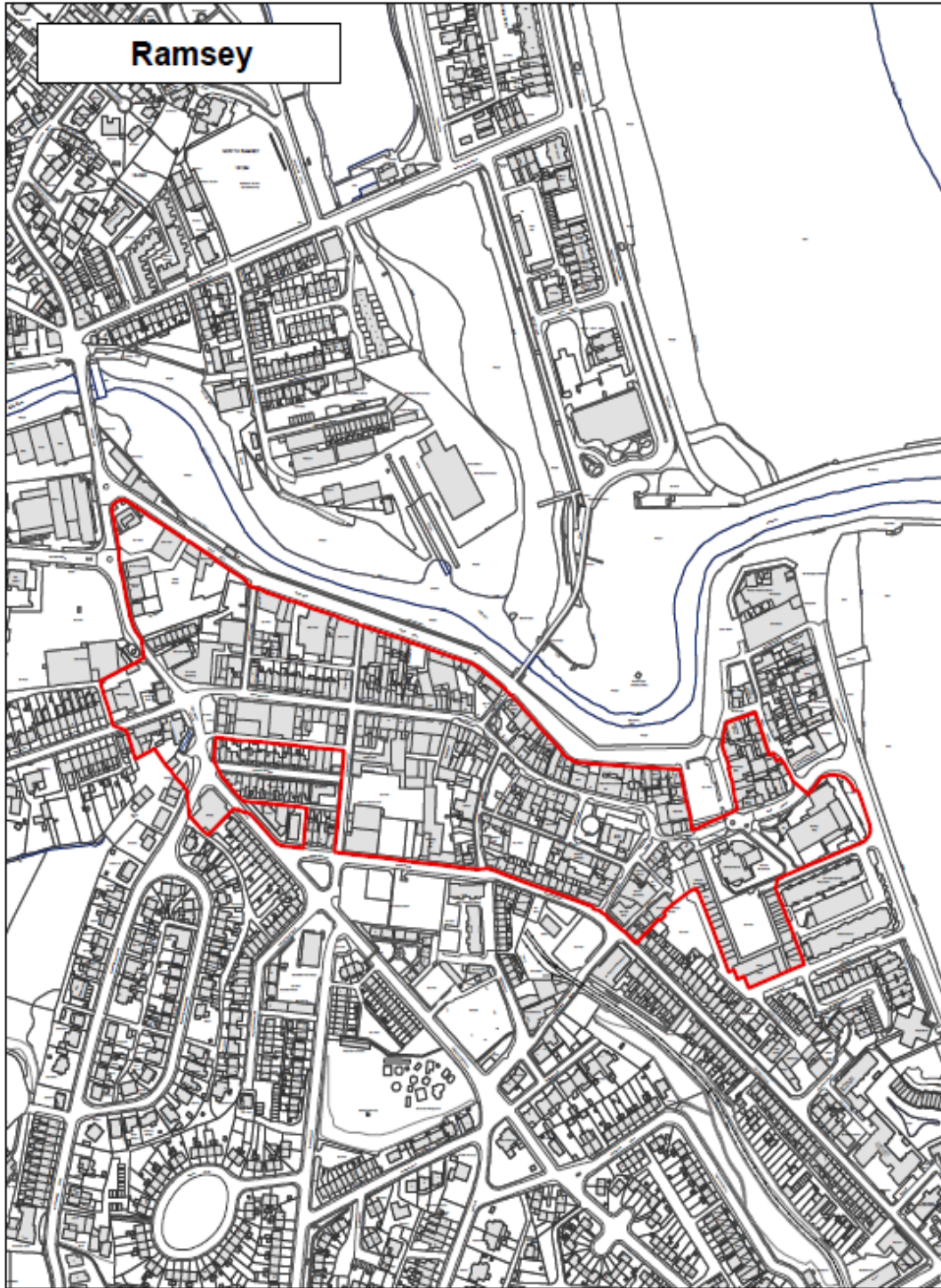
Map Ref: GDEFA/19/77
Map produced by the Department of Infrastructure Mapping Service.
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Legend

Permitted Development Area

This version:
V1.5 23/04/2020 (amended)
Previous versions:
V1.5 15/01/2020 (amended)
V1.4 13/08/2019 (amended)
V1.3 10/05/2019 (amended)
V1.2 28/05/2019 (amended)
V1.1 17/05/2019 (draft)

RAMSEY MAP



EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies changes of use from one use class to a different use class which may be undertaken without the need for a planning application.

The approved development is set out in Schedule 1 and divided into the following three parts –

- Part 1 – Specified Land;
- Part 2 – Residential and Tourism; and
- Part 3 – Industrial and Miscellaneous.

Schedule 2 sets out the maps detailing the specified land for the purposes of Part 1 of Schedule 1.

Article 5 sets out transitional provisions.

Article 6 omits article 4(3) and of the Town and Country Planning (Permitted Development) Order 2012. It amends article 4(4) of the Town and Country Planning (Permitted Development) Order 2012 to read, “Paragraphs (1) and (2) do not apply to an...”. It amends article 5(1) of the Town and Country Planning (Permitted Development) Order 2012 to read, “If the Department is satisfied that any of the operations specified in Schedules 1 and 2 ...”. It revokes Schedule 3 of the Town and Country Planning (Permitted Development) Order 2012.

Article 7 revokes the Town and Country Planning (Change of Use) (Development) Order 2019 [SD 2019/0394].

ⁱ Substituted by SD No. 2020/0349

ⁱⁱ Substituted by SD No. 2020/0349

ⁱⁱⁱ Substituted by SD No. 2020/0349

^{iv} Substituted by SD No. 2020/0349