

### **IMPORTANT NOTE**

This consolidated version of the Town and Country Planning (Certificate of Lawful Use or Development) Regulations 2005 [SD 253/05] 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 –

- THE TOWN AND COUNTRY PLANNING (CERTIFICATES OF LAWFUL USE OR DEVELOPMENT) (AMENDMENT) REGULATIONS 2005 [SD 674/05]
- TRANSFER OF PLANNING AND BUILDING CONTROL FUNCTIONS ORDER 2015 [SD 2015/0150]
  - TOWN AND COUNTRY PLANNING (MISCELLANEOUS AMENDMENTS) REGULATIONS 2019 [SD 2019/0422]
  - TOWN AND COUNTRY PLANNING (CERTIFICATES OF LAWFUL USE OR DEVELOPMENT) (AMENDMENT) REGULATIONS 2019 [SD 2019/0424]

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

**THE TOWN AND COUNTRY PLANNING ACT 1999**

**THE TOWN AND COUNTRY PLANNING (CERTIFICATES OF LAWFUL USE  
OR DEVELOPMENT) REGULATIONS 2005**

*Approved by Tynwald 17<sup>th</sup> May 2005*

*Coming into operation 1<sup>st</sup> November 2005*

In exercise of the powers conferred on the Department of Local Government and the Environment<sup>i</sup> the Department of Environment, Food and Agriculture<sup>ii</sup> by section 24 of the Town and Country Planning Act 1999, and of all other enabling powers, the following Regulations are hereby made:—

**1. Citation, commencement and interpretation**

(1) These Regulations may be cited as the Town and Country Planning (Certificates of Lawful Use or Development) Regulations 2005, and, subject to section 44(1) of the Act, shall come into operation on 1st November 2005.

(2) In these Regulations —

"the Act" means the Town and Country Planning Act 1999;

"certificate" means a certificate under section 24(1) of the Act (certificates of lawfulness of existing or proposed use or development);

~~"use class" means a class of uses to be specified in an Order to be made under section 8 of the Act<sup>iii</sup>.~~

~~"use class" means a class of uses specified in Schedule 4 to the Town and Country (Permitted Development) Order 2005<sup>iv,v</sup>.~~

"use class" means a class of uses specified in the Town and Country Planning (Use Classes) Order 2019.<sup>vi</sup>

(3) Any —

(a) document, plan, drawing, illustration or other thing required under these Regulations to be given (howsoever expressed) may be given by electronic means provided the intended recipient is able, and willing, to receive it by those means;

(b) plan drawing or illustration given under these Regulations must include a statement setting out its metric scale when printed or reproduced on a particular size of paper (for example "1:100 when printed on A4 paper").<sup>vii</sup>

## 2. Application for certificate

(1) An application for a certificate shall —

- (a) be in writing and on an application form supplied by the Department<sup>viii</sup>,
- (b) specify the land to which it relates,
- (c) describe the use, operations or other matter to which the application relates, and
- (d) include the following information —
  - (i) the paragraph of section 24(1) under which the application is made;
  - (ii) in the case of an application under section 24(1)(a), (c) or (e), the date on which the use, operations or other matter began or, in the case of operations carried out without planning approval, the date on which the operations were substantially completed;
  - (iii) in the case of an application under section 24(1)(a), the name of any use class which the applicant considers applicable to the use existing at the date of the application;
  - (iv) in the case of an application under section 24(1)(b), the use of the land at the date of the application (or, when the land is not in use at that date, the purpose for which it was last used) and the name of any use class which the applicant considers applicable to the proposed use;
  - (v) in the case of an application under section 24(1)(e), sufficient details of the planning approval to enable it to be identified;
  - (vi) the applicant's reasons, if any, for regarding the use, operations or other matter described in the application as lawful; and
  - (vii) such other information as the applicant considers to be relevant to the application.

(2) An application for a certificate shall be accompanied by —

- (a) a plan identifying the land to which the application relates;
- (b) such evidence verifying the information included in the application as the applicant can provide; and
- (c) ~~a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.~~<sup>ix</sup> the fee payable

for such an application prescribed in an order made by the Department under section 81 of the Interpretation Act 2015.<sup>x</sup>

(3) Where the application specifies 2 or more uses, operations or other matters, the plan which accompanies the application shall indicate to which part of the land each such use, operation or matter relates.

(4) The Department may by notice in writing require the applicant to provide such further information as may be specified to enable it to deal with the application.

### 3. Determination of applications

~~(1) The Department shall give notice of an application for a certificate, with a copy of the application, to—~~

~~(a) the local authority for the district in which the land the subject of the application is situated, and~~

~~(b) any person mentioned in regulation 2(2)(c), stating that the recipient may make written representations to the Department with respect to the application before such date as is specified in the notice (not being less than 21 days after the date on which the notice is given).<sup>xi</sup>~~

(1) The Department shall give notice of an application for a certificate to the local authority for the district in which the land which is the subject of the application is situated, stating that the recipient may make written representations to the Department with respect to the application before such date as is specified in the notice (not being less than 21 days after the date on which the notice is given).<sup>xii</sup>

(2) The Department shall give the applicant written notice of its decision within a period of 8 weeks beginning with —

(a) the end of the period specified in the notices under paragraph (1) relating to the application or, where different periods are specified in different notices under that paragraph, the last of those periods to expire, or

(b) where the Department has directed under regulation 2(4) that further information be provided, the date on which such further information is received by the Department, whichever is last.

(3) Where an application for a certificate is refused, in whole or in part, the notice of decision shall state the Department's reasons for its decision.

### 4. Form of certificate

~~A certificate shall be in the form set out in the Schedule.<sup>xiii</sup>~~

#### 4. Revocation of certificate

(1) Where the Department proposes to revoke a certificate issued in accordance with section 24(5) of the Act, it shall, before it revokes the certificate, give notice of that proposal to —

(a) the owner of the land affected;

(b) the occupier of the land affected;

(c) any other person who will in its opinion be affected by the revocation; and

stating that the recipient may make written representations to the Department with respect to the proposal before such date as is specified in the notice (not being less than 21 days after the date on which the notice is given).

(2) The Department shall give written notice of any revocation under section 24(5) of the Act to every person on whom notice of the proposed revocation was served under paragraph (1).

Reference document only

Regulation 4.

## SCHEDULE

### TOWN AND COUNTRY PLANNING ACT 1999

#### CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

The Department of Local Government and the Environment hereby certifies that on *[date of application]* the *[use] [operations] [matter]* described in Schedule 1 to this certificate in respect of the land specified in Schedule 2 to this certificate and edged *[colour]* on the plan attached to this certificate, *[was] [were] [would have been]* lawful within the meaning of section 24 of the Town and Country Planning Act 1999 for the following reason(s):

Signed:

on behalf of the Department of Local Government and the Environment

Date:

#### Schedule 1

*[full description of use, operations or other matter, if necessary, by reference to details in the application or submitted plans including a reference to the use class, if any, within which the certificated use falls]*

#### Schedule 2

*[address or location of the land]*

#### Notes

1— This certificate is issued solely for the purpose of section 24 of the Town and Country Planning Act 1999.

2— It certifies that the *[use] [operations] [matter]* specified in Schedule 1 taking place on the land described in Schedule 2 *[was] [were] [would have been]* lawful, on the specified date and, thus, *[was not] [were not] [would not have been]* liable to enforcement action under section 26 of the 1999 Act on that date.

3— This certificate applies only to the extent of the *[use] [operations] [matter]* described in Schedule 1 and to the land specified in Schedule 2 and identified on the attached plan. Any *[use] [operations] [matter]* which *[is] [are]* materially different from *[that] [those]* described or which relate[s] to other land may render the owner or occupier liable to enforcement action.

~~[4. — The effect of the certificate is also qualified by the proviso in section 24(3) of the 1999 Act, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.]<sup>xiv</sup>~~

MADE 19th April 2005

John Rington

Minister for Local Government and the Environment

Reference document only

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations make provision for applications for, and the issue and revocation of, certificates of lawfulness of an existing or proposed use or development.

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- <sup>i</sup> Substituted by SD No.2015/0150
  - <sup>ii</sup> Inserted by SD No.2015/0150
  - <sup>iii</sup> Substituted by SD 674/05
  - <sup>iv</sup> Inserted by SD 674/05
  - <sup>v</sup> Substituted by SD 2019/424
  - <sup>vi</sup> Inserted by SD 2019/424
  - <sup>vii</sup> Inserted by SD 2019/0422
  - <sup>viii</sup> Inserted by SD 2019/0422
  - <sup>ix</sup> Substituted by SD 2019/0422
  - <sup>x</sup> Inserted by SD 2019/0422
  - <sup>xi</sup> Substituted by SD 2019/0422
  - <sup>xii</sup> Inserted by SD 2019/0422



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<sup>xiii</sup> Omitted by SD 2019/0422  
<sup>xiv</sup> Schedule is omitted by SD 2019/0422

Reference document only