



TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT AND CHANGE OF USE) (AMENDMENT) ORDER 2020

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Statutory Document No. 2020/0349



Town and Country Planning Act 1999

TOWN AND COUNTRY PLANNING (PERMITTED DEVELOPMENT AND CHANGE OF USE) (AMENDMENT) ORDER 2020

Approved by Tynwald: 21 July 2020

Coming into Operation: in accordance with article 2

The Cabinet Office makes the following Order under sections 6(3)(e) and 8(1), (2), (3) and (4) of the Town and Country Planning Act 1999.

1 Title

This Order is the Town and Country Planning (Permitted Development and Change of Use) (Amendment) Order 2020.

2 Commencement

If approved by Tynwald¹, this Order comes into operation on 3 August 2020.

3 Interpretation

In this Order —

“**Change of Use Order**” means the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019²;

“**the Department**” means the Department of Environment, Food and Agriculture; and

“**Permitted Development Order**” means the Town and Country Planning (Permitted Development) Order 2012³.

4 Permitted development order amended

The Permitted Development Order is amended in accordance with Schedule 1.

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

² SD 2019/0459.

³ SD 0254/2012, as amended by SD 2019/0392 and SD 2019/0459.

5 Change of use order amended

The Change of Use Order is amended in accordance with Schedule 2.

6 Transitional provision

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.

MADE 30 JUNE 2020

R HARMER
Minister for Policy and Reform

SCHEDULE 1

[Article 4]

PERMITTED DEVELOPMENT ORDER AMENDED

1 Article 4 amended

- (1) Article 4 (planning approval for certain development) of the Permitted Development Order is amended as follows.
- (2) In paragraph (1), after “in that Schedule” insert **33** and to the condition in paragraph (2A) **32**.
- (3) In paragraph (2), after “in that Schedule” insert **33** and to the condition in paragraph (2A) **32**.
- (4) After paragraph (2) insert —
 - 33**(2A) The operations specified in Schedules 1 and 2 must not be constructed (including any foundations) so as to involve the felling, lopping or limbing of any tree (other than a tree referred to in section 3(3) of the Tree Preservation Act 1993) or be situated closer to such a tree than the required distance.
 - (2B) For the purpose of paragraph (2A), the “required distance” is —
 - (a) for a tree with a single stem, 12 times the tree’s stem diameter; or
 - (b) for a tree with more than one stem, 12 times —
$$\sqrt{(\text{stem diameter } 1)^2 + (\text{stem diameter } 2)^2 \dots + (\text{stem diameter } 5)^2}$$
where the stem diameter is measured 1.5 metres above ground level. **32**.

2 Schedule 1 amended

- (1) Schedule 1 to the Permitted Development Order is amended as follows.
- (2) After paragraph 12 insert —
 - 33** 12A Class 12A Public electric vehicle charging points
Operations by or on behalf of a public body or Manx National Heritage consisting of the erection or construction, or the maintenance, improvement, replacement or other alteration, on a highway or other road or any public place of a free-standing electric vehicle charging point. **32**.
- (3) In Part 2, in Section A, omit general condition (3).
- (4) In paragraph 14, for condition (g), substitute —

- (g) operations within this class are allowed only if —
- (i) at least 2 car parking spaces remain within the curtilage of the dwelling house on completion of the operations; or
 - (ii) where there are fewer than 2 car parking spaces within the curtilage of the dwelling house prior to the operations taking place, there will be no net reduction in the area of car parking space on completion of the operations.
- For the purpose of paragraph (g) the minimum size permitted for a car parking space is 6 metres by 3.25 metres.

- (5) After paragraph 14 insert —

14A Class 14A Domestic electric vehicle charging points

The installation, alteration or replacement of an electric vehicle charging point and any associated underground pipework within the curtilage of a dwellinghouse.

Conditions for wall-mounted installations:

- (a) the general conditions applicable to Section A;
- (b) the charging unit must not have a volume exceeding 0.2 cubic metres; and
- (c) if within 2 metres of a highway, the charging unit must not be mounted on a wall that faces onto that highway.

Conditions for upstanding installations:

- (a) the general conditions applicable to Section A;
- (b) the highest point of the charging unit must not exceed 1.6 metres from the level of the surface used for the parking of vehicles;
- (c) no part of the charging unit may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
 - (i) that part of the dwellinghouse nearest to that highway; or
 - (ii) 20 metres;
- (d) no part of the charging unit may be within 2 metres of a highway; and
- (e) the installation of the charging unit must not result in more than one upstand being provided for each parking space.

- (6) After paragraph 23 insert —

23A Class 23A Air source heat pumps

The installation, alteration or replacement of an air source heat pump and any associated underground pipework within the curtilage of a dwellinghouse.

Conditions:

- (a) the general conditions applicable to Section A;
- (b) no part of the pump may be nearer than 1 metre to the boundary of the curtilage of the dwellinghouse;
- (c) no part of the pump may be nearer to any highway which bounds the curtilage of the dwellinghouse than the nearer of —
 - (i) that part of the dwellinghouse nearest to that highway; or
 - (ii) 20 metres;
- (d) no part of the pump may be installed on any part of a wall that fronts a highway;
- (e) only one pump may be installed on a property — additional pumps at the same property require an application for planning approval;
- (f) the volume of the pump’s outdoor compressor unit (including housing) must not exceed 1 cubic metre;
- (g) the pump must not result in a noise that exceeds 42 dB LAeq 5 mins;
- (h) the pump’s specification must be displayed externally on the pump’s outdoor compressor unit;
- (i) the lowest part of the pump’s outdoor compressor unit must not be more than 1 metre above ground level;
- (j) the pump must be used only for heating purposes;
- (k) the pump must be removed as soon as practicable after it is no longer required for heating purposes; and
- (l) the pump must be installed, operated and maintained in accordance with the manufacturer’s specification.

For the purposes of paragraph (g) —

- (a) “**LAeq 5 mins**” means the A-weighted equivalent continuous sound pressure level over 5 minutes when measured at 1 metre external to the centre point of any relevant door or window to any

- neighbouring building as measured perpendicular to the plane of that relevant door or window;
- (b) **“neighbouring building”** means a building that is used –
- (i) for a purpose that falls within Part 3 of the Schedule to the Use Classes Order; or
- (ii) that is used –
- (A) as a residential school;
- (B) as a hostel; or
- (C) as secure residential accommodation, as defined by the Use Classes Order;
- (c) **“relevant door or window”** means a door or window other than a door or window to a garage, greenhouse, poly tunnel, shed or summerhouse; and
- (d) **“Use Classes Order”** means the Town and Country Planning (Use Classes) Order 2019⁴.

For the purposes of paragraph (i), **“ground level”** means the level of the ground measured directly adjacent to the pump’s outdoor compressor unit and, where the ground is sloping, it is the highest part of the ground next to the unit. **22**.

- (7) After paragraph 24 insert –

24A Class 24A Replacement of conservatory roofs

The installation of a replacement conservatory roof in a dwellinghouse.

Conditions:

- (a) no part of the replacement roof may be more than 200mm higher than the roof that it is replacing when measured parallel with the external surface of the original plane of the roof slope;
- (b) no part of the replacement roof may overhang more than 200mm further than the roof that it is replacing; and
- (c) the tiling or roofing of the replacement must match, or be similar to, the roof of the main dwelling. **22**.

- (8) Omit paragraph 29.
- (9) After paragraph 41 insert –

⁴ SD 2019/0392.

42 Class 42 Solar Panels (Roof mounted)

The installation, alteration, or replacement of solar photovoltaic or solar thermal equipment on the roof of a building.

Conditions:

Solar photovoltaic or solar thermal equipment may only be situated on a building –

- (a) of a class that is specified in the Schedule to the Use Classes Order; or
- (b) used for a purpose listed in article 5(2)(a) to (q) of the Use Classes Order,

and must not –

- (a) extend more than 200mm beyond the plane of the roof slope;
- (b) be higher than the highest part of the roof excluding any chimney; or
- (c) be situated on a horizontal roof.


For the purposes of this paragraph, “**Use Classes Order**” means the Town and Country Planning (Use Classes) Order 2019.

43 Class 43 School cycle shelters

The installation, alteration, or replacement of cycle shelters within the curtilage of a school.

Conditions:

The cycle shelter must not –

- (a) have a height of more than 2.5 metres above ground level;
- (b) have a footprint of more than 30 square metres or, if more than one cycle shelter is present within the curtilage of a school, result in a cumulative shelter footprint of more than 30 square metres;
- (c) be constructed on any land that has been used as a playing field at any time during the 5 years prior to the start of construction; and
- (d) be constructed within 5 metres of any boundary of the curtilage of the school. 

SCHEDULE 2

[Article 5]

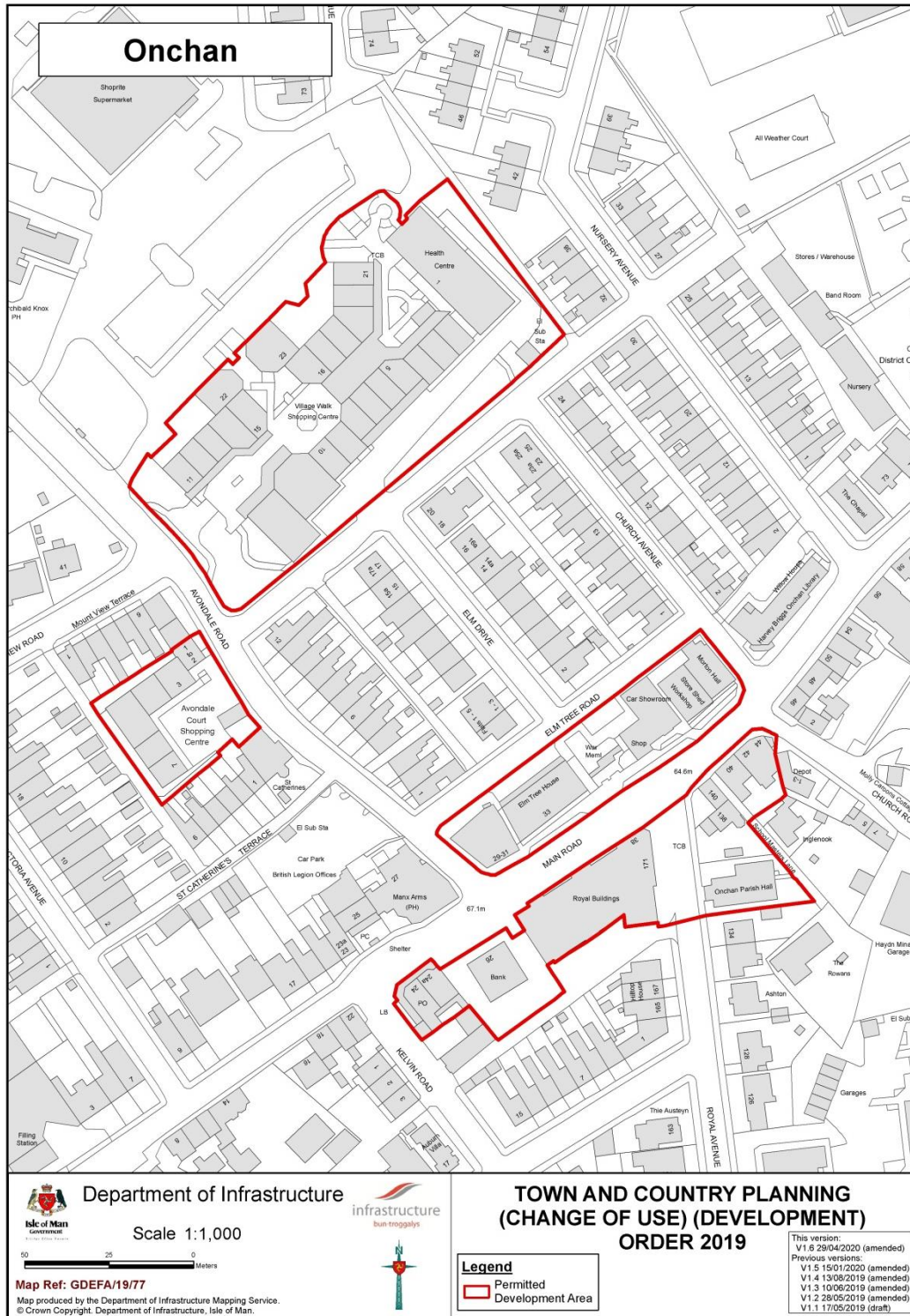
CHANGE OF USE ORDER AMENDED



1 Article 3 amended

- (1) Article 3 (interpretation) of the Change of Use Order is amended as follows.
- (2) For the definition of “primary window” substitute –
| **“primary window”** means a main window serving –
 - (a) a living room;
 - (b) a dining room; or
 - (c) a kitchen that includes dining facilities; and **“**

2 Schedule 2 amended

- (1) Schedule 2 to the Change of Use Order is amended as follows.
- (2) For the Onchan, Castletown and Port Erin maps, substitute –




Department of Infrastructure


Scale 1:1,000

Map Ref: GDEFA/19/77

Map produced by the Department of Infrastructure Mapping Service.
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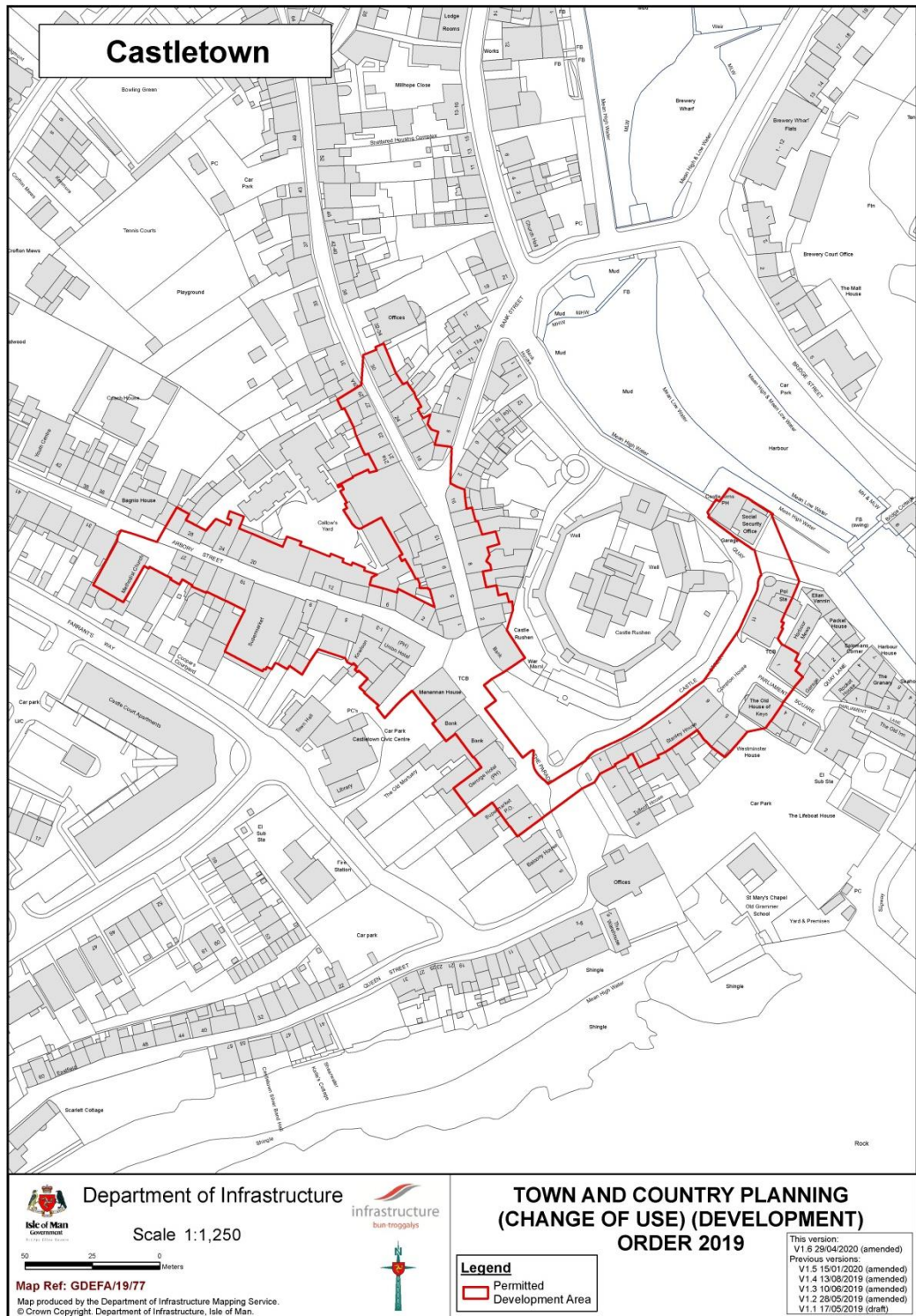
**TOWN AND COUNTRY PLANNING
(CHANGE OF USE) (DEVELOPMENT)
ORDER 2019**

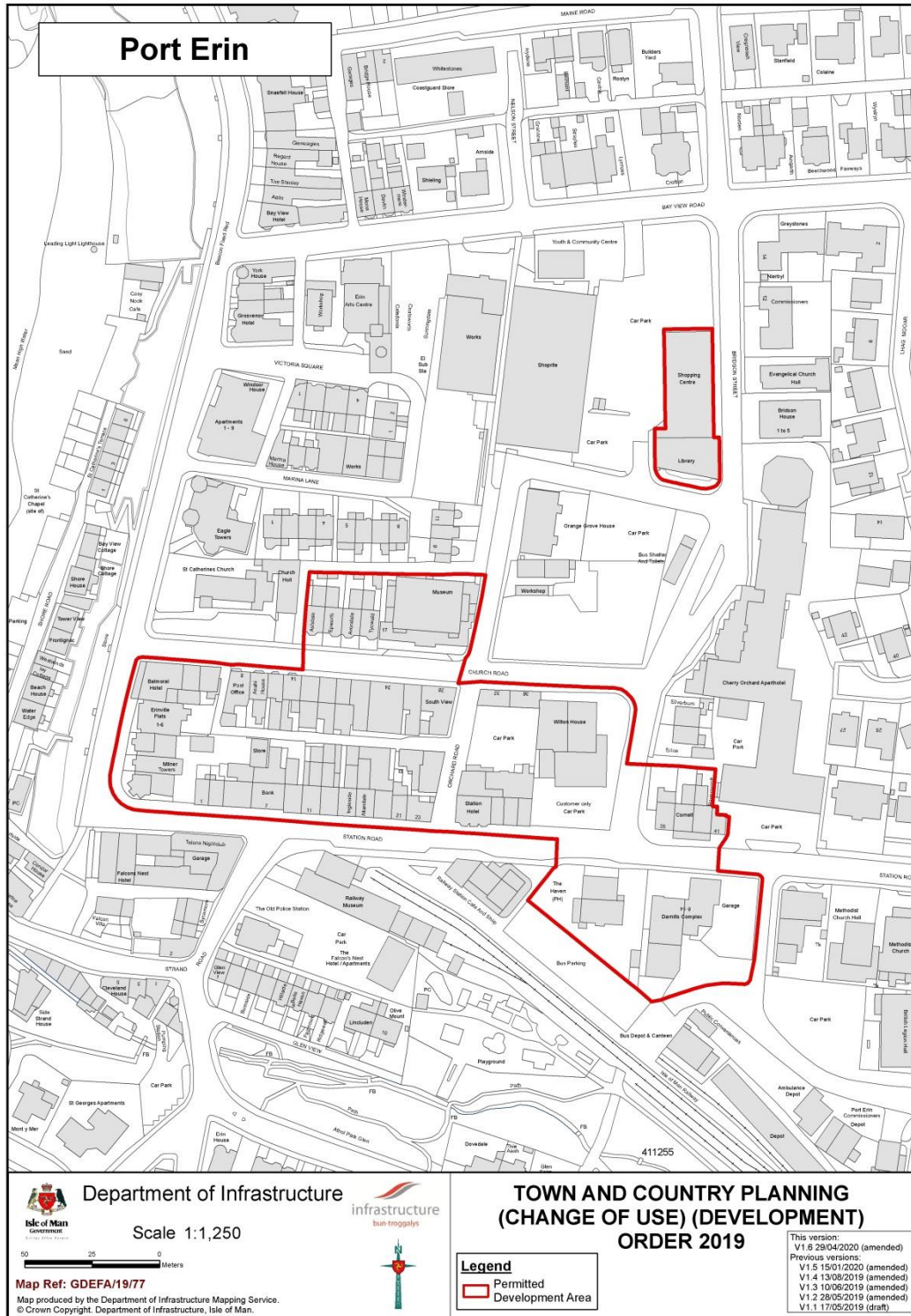
Legend

- Permitted Development Area

This version:
 V1.6 29/04/2020 (amended)
 Previous versions:
 V1.5 15/01/2020 (amended)
 V1.4 13/08/2019 (amended)
 V1.3 10/06/2019 (amended)
 V1.2 28/05/2019 (amended)
 V1.1 17/05/2019 (draft)







EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Town and Country Planning (Permitted Development) Order 2012 [SD 0254/2012] (the “Permitted Development Order”) to extend permitted development under section 8 of the Town and Country Planning Act 1999. The amendments widen permitted development to include the provision of –

- (a) electric vehicle charging points;
- (b) air source heat pumps;
- (c) replacement conservatory roofs;
- (d) roof-mounted solar panels on all buildings; and
- (e) school cycle shelters.

In addition, the Order makes amendments to provide for a general distancing condition, with regard to specified trees, of the permitted development in Schedules 1 and 2 to the Permitted Development Order. The provision restricts any permitted development construction that would damage a specified tree and mandates that such construction must be situated at least a required distance (calculated by reference to the tree’s diameter) away from all specified trees.

The Order also amends the Town and Country Planning (Change of Use) (Development) (No. 2) Order 2019 [SD 2019/0459] to change the definition of “primary window” and to update the maps showing the specified land for the purposes of Part 1 of Schedule 1 to the Change of Use Order (i.e. areas within which certain classes of development involving a change of use are permitted).